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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please see the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title	CSR	Division	Chapter	Rule
3	<i>Code of</i>	10-	4	.115
Department	<i>State</i>	Agency	General area	Specific area
	<i>Regulations</i>	division	regulated	regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted printed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 60—Grain Inspection and Warehousing Chapter 4—Missouri Grain Warehouse Law

PROPOSED AMENDMENT

2 CSR 60-4.110 Preparation of Financial Statements. The department is amending sections (1), (4), (6), (7), and (10).

PURPOSE: *This amendment will allow the Grain Regulatory Services Program to accept financial statements prepared using either GAAP or IFRS conventions, rules, and procedures from licensees.*

(1) The following definitions shall apply to these rules:

(D) Generally accepted accounting principles (GAAP) or **International financial reporting standards (IFRS)**—The conventions, rules, and procedures necessary to define accepted accounting practice, which include broad guidelines of general application as

well as detailed practices and procedures generally accepted by the accounting profession and which have substantial authoritative support from the American Institute of Certified Public Accountants **and the International Accounting Standards Board**;

(G) Qualified accountant—A certified public accountant competent in the application of GAAP or IFRS provided that this person is not the applicant. Also, that if the applicant is an individual, this person is not an employee of the applicant, or if the applicant is a corporation or partnership, this person is not an officer, shareholder, partner, or employee of the applicant; and

(4) The financial statements required by these rules shall be prepared in accordance with GAAP or IFRS except as otherwise allowed or required by these rules.

(6) If the applicant is an individual, the applicant shall submit a balance sheet and a statement of income and expenses for the proprietorship business in accordance with GAAP or IFRS. If the applicant is an individual, the applicant also shall submit a personal balance sheet. The applicant, in lieu of submitting a business and a personal balance sheet, may submit a combined balance sheet. Personal nonbusiness assets should be shown at the lower of historical cost or estimated fair market value. If the applicant is an individual and desires to show estimated current values that are higher than the historical cost basis for the proprietorship business balance sheet, the personal balance sheet, or the combined balance sheet, the estimated current values should be accompanied by a qualified appraisal. If a qualified appraisal is accepted, appropriate adjustments to the balance sheet will be made by the Missouri Department of Agriculture.

(7) If the applicant is a partnership, the applicant shall submit a balance sheet and a statement of income and expenses for the partnership business in accordance with GAAP or IFRS. Only the partnership assets and liabilities will be considered in computing net worth. The personal financial statements for the individual partners will not be considered in computing net worth.

(10) If the applicant is a corporation, the applicant shall submit a balance sheet and a statement of income and expenses for the corporation in accordance with GAAP or IFRS. If the applicant is a corporation and desires to show estimated current values that are higher than the historical cost basis, the estimated current values should be accompanied by a qualified appraisal. If a qualified appraisal is accepted, appropriate adjustments to the balance sheet will be made by the Missouri Department of Agriculture.

AUTHORITY: *sections 411.070 and 411.260, RSMo [Supp. 1998] 2016. Original rule filed Feb. 13, 1980, effective May 11, 1980. Amended: Filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999, effective June 30, 2000. Amended: Filed May 16, 2022.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Agriculture, Grain Regulatory Services Program, PO Box 630, Jefferson City, MO 65102, ATTN: Joe Walker. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 5—Missouri Grain Dealer's Law

PROPOSED AMENDMENT

2 CSR 60-5.100 Preparation of Financial Statements. The department is amending sections (1), (4), (6), (7), and (10).

PURPOSE: This amendment will allow the Grain Regulatory Services Program to accept financial statements prepared using either GAAP or IFRS conventions, rules, and procedures from licensees.

(1) The following definitions shall apply to these rules:

(D) Generally accepted accounting principles (GAAP) or International financial reporting standards (IFRS)—The conventions, rules, and procedures necessary to define accepted accounting practice, which include broad guidelines of general application as well as detailed practices and procedures generally accepted by the accounting profession and which have substantial authoritative support from the American Institute of Certified Public Accountants and the International Accounting Standards Board;

(G) Qualified accountant—A certified public accountant competent in the application of GAAP or IFRS provided that this person is not the applicant. Also, that if the applicant is an individual, this person is not an employee of the applicant, or if the applicant is a corporation or partnership, this person is not an officer, shareholder, partner, or employee of the applicant; and

(4) The financial statements required by these rules shall be prepared in accordance with GAAP or IFRS, except as otherwise allowed or required by these rules.

(6) If the applicant is an individual, the applicant shall submit a balance sheet and a statement of income and expenses for the proprietorship business in accordance with GAAP or IFRS. If the applicant is an individual, the applicant shall also submit a personal balance sheet. The applicant, in lieu of submitting a business and a personal balance sheet, may submit a combined balance sheet. Personal nonbusiness assets should be shown at the lower of historical cost or estimated fair market value. If the applicant is an individual and desires to show estimated current values that are higher than the historical cost basis for the proprietorship business balance sheet, the personal balance sheet or the combined balance sheet, the estimated current values should be accompanied by a qualified appraisal. If a qualified appraisal is accepted, appropriate adjustments to the balance sheet will be made by the Missouri Department of Agriculture.

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AUTHORITY: sections 276.406 and 276.421, RSMo [Supp. 1999] 2016. This rule was previously filed as 2 CSR 60-5.090. Original rule filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999, effective June 30, 2000. Amended: Filed May 16,

2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Agriculture, Grain Regulatory Services Program, PO Box 630, Jefferson City, MO 65102, ATTN: Joe Walker. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 60—Highway Safety and Traffic Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.010 Definitions. The Missouri Highways and Transportation Commission is amending subsection (1)(A).

PURPOSE: This amendment adds a definition for the term “mechanical override code,” changes the name of the definition term from “override lockout” to “override lockout code” and updates its descriptive language to say that it is a method to override a lockout condition by providing a unique code, and renumbers the definitions that appear after the term “mechanical override code” accordingly.

(1) Definitions.

(A) The following words and terms as used in 7 CSR 60-2.010 through 7 CSR 60-2.060 have the following meaning:

1. Alcohol retest setpoint—The breath alcohol concentration at which the ignition interlock device is set for the running retest;

2. Alcohol setpoint—The breath alcohol concentration at which the ignition interlock device prevents the vehicle from operating;

3. Alveolar air—Deep lung air or alveolar breath, which is the last portion of a prolonged, uninterrupted exhalation;

4. Authorized service provider (ASP)—The entity designated by the manufacturer to provide services to include[,] but not be limited to[,] installation, monitoring, maintenance, and removal of the breath alcohol ignition interlock device;

5. Bogus breath sample—Any sample other than an unaltered, undiluted, and unfiltered alveolar air sample from a driver;

6. Breath alcohol concentration (BrAC)—The amount of alcohol in a given amount of breath, expressed in weight per volume (% weight/volume) based on grams of alcohol per two hundred ten (210) liters of breath;

7. Breath alcohol ignition interlock device (BAIID)—A breath testing device, including all parts necessary for operation, e.g. hand-set and camera, installed in a vehicle that prevents it from operating if breath test results show a BrAC that meets or exceeds the alcohol setpoint. The device also requires the driver to continue to pass repeated breath tests while the vehicle is running to ensure that the driver remains below the alcohol setpoint. However, the interlock device will not interfere with the normal operation of the vehicle while it is in use;

8. Breath—Expired human breath containing primarily alveolar air;

9. Calibration—The process which ensures an accurate alcohol concentration reading on a device;

10. Camera—A feature of the device that incorporates photo identification or digital images of the person who is providing the breath test;

11. Circumvention—To bypass the correct operation of a BAID by starting the vehicle[,] by any means without first providing a breath test;

12. Commission—The Missouri Highways and Transportation Commission created by article IV, section 29, *Constitution of Missouri*;

13. Department—The Missouri Department of Transportation created by article IV, section 29, *Constitution of Missouri*;

14. Designated monitoring period—The period of time indicated by the Department of Revenue for required monitoring of the driver's ignition interlock use by the manufacturer;

15. Device—Breath alcohol ignition interlock device;

16. Division—The Highway Safety and Traffic Division under the department that is delegated the authority to administer the provisions of 7 CSR 60-2.010 through 7 CSR 60-2.060;

17. Download—The transfer of information from the interlock device's memory onto disk or other electronic or digital transfer protocol;

18. Emergency service—Unforeseen circumstances in the use and/or operation of a breath alcohol ignition interlock device, not covered by training or otherwise documented, which requires immediate action;

19. Filtered breath sample—A breath sample which has been filtered through a substance in an attempt to remove alcohol from the sample;

20. Global positioning system (GPS)—A feature of the device that will log the location (longitude and latitude), date, and time of each breath sample including any refusal, any circumvention attempt, and any attempt to tamper with the ignition interlock device;

21. Initial breath test—A breath test required to start a vehicle to ensure that the driver's BrAC is below the alcohol setpoint;

22. Installation—Mechanical placement and electrical connection of a breath alcohol ignition interlock device in a vehicle by a technician;

23. ISO—International Organization for Standardization;

24. Lockout—A condition of the device which prevents a vehicle's engine from starting unless it is serviced or recalibrated;

25. Manufacturer—A person or company responsible for the design, construction, and/or production of a BAID;

26. Mechanical override code—Method of overriding the breath sample requirement during the mechanical servicing of a vehicle by a mechanic utilizing a unique code provided by the manufacturer;

[26.]27. Mobile [S/]service—A portable operation of an authorized service provider, whether contained within a vehicle or temporarily erected on location, which includes all personnel and equipment necessary to conduct ignition interlock device related business and services, separately and simultaneously with its parent fixed location service centers. The mobile service center shall comply with all of the requirements provided for an authorized service provider herein;

[27.]28. Operator—Any person who operates a vehicle that has a court-ordered or Department of Revenue-required breath alcohol ignition interlock device installed;

[28.]29. Override lockout code—Method of overriding a lockout condition by providing a [breath sample] unique code;

[29.]30. Permanent lockout—A condition in which the device will not accept a breath test until serviced by an ASP;

[30.]31. Pure breath sample—Expired human breath containing primarily alveolar air and having a breath alcohol concentration below the alcohol setpoint of twenty-five thousandths (.025);

[31.]32. Real-[T/]time [R/]reporting—The near real-time transmission of ignition interlock data between the manufacturer's server and the operator's ignition interlock while the device is in use;

[32.]33. Refusal—The failure of a driver to provide a breath

sample and complete the breath test when prompted by the device;

[33.]34. Relative [W/]within [S/]second [D/]degree of [C/]consanguinity or [A/]affinity—A spouse or domestic partner, parent, step-parent, child, step-child, grandparent, step-grandparent, grandchild, step-grandchild, brother, step-brother, sister, step-sister, mother-in-law, father-in-law, grandparent-in-law, grandchild-in-law, brother-in-law, or sister-in-law;

[34.]35. Retest—Two (2) additional chances to provide a breath sample below the alcohol setpoint when the first sample failed; or three (3) chances to provide a breath alcohol sample below the alcohol setpoint on the running retest;

[35.]36. Running retest—A subsequent breath test that must be conducted within five (5) minutes after starting the vehicle and randomly during each subsequent thirty- (30-) minute time period thereafter while the vehicle is in operation;

[36.]37. Service lockout—A condition of the breath alcohol ignition interlock device that occurs when the operator fails to have the device serviced during a certain period of time and results in a permanent lockout condition;

[37.]38. Tampering—An overt, purposeful attempt to physically alter or disable an ignition interlock device, or disconnect it from its power source, or remove, alter, or deface physical anti-tampering measures, so a driver can start the vehicle without taking and passing an initial breath test and/or blocking, moving, or disabling the camera, if required;

[38.]39. Technician—A person trained by the authorized service provider to possess the skills necessary to install, service, calibrate, and/or remove ignition interlock devices;

[39.]40. Temporary lockout—A condition in which the device will not allow the vehicle to start for fifteen (15) minutes after three (3) failed attempts to blow a pure breath sample within a ten- (10-) minute period;

[40.]41. Violations reset—A feature of a device in which a service reminder is activated due to one (1) of the following reasons:

A. Two (2) fifteen (15) minute temporary lockouts within a thirty- (30-) day period;

B. Any three (3) running retest refusals within a thirty- (30-) day period;

C. Any three (3) breath samples, after startup, at or above the alcohol setpoint within a thirty- (30-) day period;

D. Any attempts to circumvent or tamper with a device; or

E. When a device is not serviced on its service date.

AUTHORITY: sections 226.130, [302.060,] 302.304, 302.309, 302.525, and 577.041, RSMo 2016, [and] sections 302.440–302.462, RSMo 2016 and [RSMo] Supp. [2017] 2021, and section 302.060, RSMo 2021. This rule originally filed as 11 CSR 60-2.010. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed May 6, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 60—Highway Safety and Traffic Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

PROPOSED AMENDMENT

7 CSR 60-2.020 Approval Procedure. The Missouri Highways and Transportation Commission is adding a new subsection (3)(A).

PURPOSE: This amendment adds a provision to allow a breath alcohol ignition interlock manufacturer whose device is not currently approved in the State of Missouri to submit such device for approval by the division no more than two (2) times a year and the manufacturer must wait six (6) months from the date of the second written denial before submitting an additional device for approval.

(3) Certification or Denial. Within thirty (30) days following completion of compliance testing and testing of reporting requirements, the division will issue a letter of certification or certification denial. No device will be deemed approved unless applicant has received written notification of certification from the division.

(A) A manufacturer not currently approved in the State of Missouri may submit a breath alcohol ignition interlock device to the division or designee for testing and approval a maximum of two (2) occurrences in a calendar year. Upon the manufacturer receiving a second letter of certification denial, the manufacturer shall be required to wait six (6) months from the date on the second denial letter before the manufacturer may submit an additional device for approval.

AUTHORITY: sections 226.130, [302.060], 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, [and] sections 302.440–302.462, RSMo 2016 and [RSMo] Supp. [2017] 2021, and section 302.060, RSMo Supp. 2021. This rule originally filed as II CSR 60-2.020. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed May 6, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**Title 7—MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 60—Highway Safety and Traffic Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

PROPOSED AMENDMENT

7 CSR 60-2.030 Standards and Specifications. The Missouri Highways and Transportation Commission is amending subsections (1)(A)

and (1)(B).

PURPOSE: This amendment adds language prohibiting the breath alcohol concentration percentage result to be visible to the operator of the motor vehicle and removes outdated language that unduly limited ISO certification of breath alcohol ignition interlock device manufacturers or assemblers to an expired six- (6-) month date range.

(1) Device standards and specifications. To be certified, a breath alcohol ignition interlock device must—

(A) General./—

1. Meet or exceed the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as “Model Specifications for Breath Alcohol Ignition Interlock Devices” 78 FR 26849-26867 as published in the *Federal Register* on May 8, 2013, by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective March 8, 2014, and 80 FR 16720-16723 as published in the *Federal Register* on March 30, 2015, and effective March 30, 2015, which are hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication./;

2. Be manufactured or assembled by an entity which possesses an accredited ISO 9001 certification/. *Certification shall be applied for by January 1, 2019, and successfully obtained by July 1, 2019./;*

3. Have electro-chemical fuel cell sensor technology or other advanced technology approved by the department./;

4. Not be affected by humidity, dust, electromagnetic interference, smoke, exhaust fumes, food substance, or normal automobile vibration when used in accordance with device instructions./;

5. Audibly or visually indicate when a 1.5 liter breath sample has been collected. The division, at its discretion, may permit the adjustment of the breath volume requirement to as low as 1.2 liter, when provided documentation from a licensed physician verifying an applicable medical condition. The physician’s documentation will be submitted in a format approved by the division. Upon review, the division will notify the operator in writing of approval or denial of a lowered breath volume./;

6. Permit a vehicle to be restarted without requiring an additional breath test for three (3) minutes after the ignition has been turned off or the vehicle has stalled, except when the operator has failed to take a running retest or has provided a breath sample which meets or exceeds the alcohol setpoint./;

7. Have an anti-circumvention feature activated to deter bogus breath samples./;

8. Display on a label the message: “WARNING! ANY PERSON TAMPERING, CIRCUMVENTING, OR OTHERWISE MISUSING THIS DEVICE IS GUILTY OF A CLASS A MISDEMEANOR”;

(B) Information to operator./—

1. Alert the operator of its readiness for a breath sample./;

2. A visual pass/fail indicator of the Breath Alcohol Concentration (BrAC), or a combination audio response and visual pass/fail indicator. **The BrAC percentage result shall not be displayed to the operator;**

3. Alert the operator of scheduled service at least seven (7) days prior to a scheduled service date./;

4. Provide a warning to obtain service within seven (7) days following a missed scheduled service date or violations reset./;

5. The device will permanently lockout if service is not obtained within the seven (7) day warning period;

AUTHORITY: sections 226.130, [302.060], 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, [and] sections 302.440–302.462, RSMo 2016 and [RSMo] Supp. [2017] 2021, and section 302.060, RSMo Supp. 2021. This rule

originally filed as 11 CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 6, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**Title 7—MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 60—Highway Safety and Traffic Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

PROPOSED AMENDMENT

7 CSR 60-2.040 Responsibilities of Manufacturers. The Missouri Highways and Transportation Commission is amending section (3).

PURPOSE: This amendment updates electronic submission requirements for manufacturers regarding update and comparison files for the Department of Revenue.

(3) A manufacturer shall provide electronic notice to the Missouri Department of Revenue, in a format as determined by the director of revenue, within one (1) working day of device installation, service lock-out condition, device removal, **device equipment addition/removal (e.g., camera)**, and completion of the designated monitoring period. **In the same format, the manufacturer shall also submit electronically to the Missouri Department of Revenue, comparison files biannually to ensure data quality between parties.**

AUTHORITY: sections 226.130, [302.060], 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, [and] sections 302.440–302.462, RSMo 2016 and [RSMo] Supp. [2017] 2021, and section 302.060 RSMo Supp. 2021. This rule originally filed as 11 CSR 60-2.040. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 6, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, com-

ments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 60—Highway Safety and Traffic Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

PROPOSED AMENDMENT

7 CSR 60-2.050 Breath Alcohol Ignition Interlock Device Security. The Missouri Highways and Transportation Commission is amending subsections (1)(B), (1)(N), and (1)(O).

PURPOSE: This amendment adds language and specific requirements regarding the addition of the mechanical override code, including duration of the code and proof of service.

(1) A manufacturer shall require and take steps to ensure that its authorized service providers—

(B) Meet all federal, state, and local government law and regulations for operating as a business in the state;

(N) Do not sell or **allow the use of** any type of remote code or reset feature that allows the operator to bypass a device without providing all required breath tests/. *An*], **except that an override lock-out code or mechanical override code (bypass) may be [provided] sold or allowed** under the following conditions:

1. The override lockout **code or mechanical override code** must be unique to the device;

2. All requirements outlined in 7 CSR 60-2.030 through 7 CSR 60-2.050 apply;

3. The override lockout **code** will not be valid for more than three (3) hours upon which the device will enter a permanent lockout status. **The mechanical override code will be valid for a maximum of twelve (12) hours upon which the device will enter a violation reset status. Additional unique mechanical override codes may be utilized in the event the mechanical service exceeds twelve (12) hours; and**

4. Each override lockout **code or mechanical override code** will be uniquely recorded in the data storage system;

(O) Document each use of an override lockout **code or mechanical override code** on the operator's data log;

1. **Proof of vehicle mechanical service in the form of a mechanic's affidavit shall be submitted to the manufacturer and attached to the operator's electronic file for validation if a mechanical override code is utilized;**

AUTHORITY: sections 226.130, [302.060], 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, [and] sections 302.440–302.462, RSMo 2016 and [RSMo] Supp. [2017] 2021, and section 302.060, RSMo Supp. 2021. This rule originally filed as 11 CSR 60-2.050. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 6, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION

Division 60—Highway Safety and Traffic Division Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.060 Device Suspension and Decertification. The Missouri Highways and Transportation Commission is amending sections (1), (3), (4), and (9).

PURPOSE: This amendment is for grammatical changes.

(1) Suspension and Decertification. If a manufacturer does not comply with the requirements of 7 CSR 60-2.030 through 7 CSR 60-2.050, then the [commission] division is authorized to suspend and/or decertify the manufacturer's device.

(3) Cost. In the event of suspension or decertification, the manufacturer will be responsible for all compliance costs associated with 7 CSR 60-2.010 through 7 CSR 60-2.060 including, but not limited to:

(A) Contacting [operator's] operators regarding the manufacturer's suspension or decertification;

(B) Removal of decertified devices from the [offender's] operator's vehicle;

(C) Installation of a new device chosen by the [offender] operator on the [offender's] operator's vehicle;

(4) Suspension. A suspension will last for at least ninety (90) days after the [commission's] division's final decision. During this period, the suspended device cannot be installed in a vehicle in Missouri as a new install or replacement for the same or different device. The division reserves the right to notify operators, if deemed necessary under the circumstances. If device malfunctions and/or failures were the basis for the suspension, then the [commission's] division's decision may require certification testing before the suspension is lifted. A suspension will not exceed one (1) year.

(9) Informal Review. Within seven (7) days following receipt of notice of a suspension or decertification, a manufacturer may submit a written request for an informal review of the division's decision. The review will be conducted by a three- (3-) person panel of department personnel, appointed by the department's deputy director/[C]/chief [E]/engineer. A member of the review panel cannot be personnel actively involved in the division's decision. If an informal review is requested, then the manufacturer will have ten (10) business days in which to submit relevant facts, arguments in favor of its position, and supporting documentation to the panel. Information may be submitted electronically or by U.S. mail. The panel will have ten (10) business days to review the submissions and make a decision. Pending completion of the informal review process, the suspended or decertified device cannot be installed in a vehicle as a new install or as a replacement for the same or different device.

AUTHORITY: sections 226.130, [302.060], 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, [and] sections 302.440–302.462, RSMo 2016 and [RSMo] Supp. [2017] 2021, and section 302.060, RSMo Supp. 2021. This rule originally filed as 11 CSR 60-2.060. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule

filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 6, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION

Division 60—Highway Safety and Traffic Division Chapter 3—Driver Improvement Program

PROPOSED RESCISSION

7 CSR 60-3.010 Approval. This rule established an approval process for driver-improvement programs mandated by section 302.302, RSMo (1986).

PURPOSE: This rule is being rescinded and readopted to update the MoDOT division and chapter title and correctly refers to the "designee" as the agency responsible for monitoring the program and maintaining all backup documentation.

AUTHORITY: section 302.302.4, RSMo 2016. This rule originally filed as 11 CSR 30-3.010. Original rule filed Oct. 15, 1986, effective Jan. 12, 1987. Moved to 7 CSR 60-3.010 and amended: Filed Oct. 17, 2016, effective July 30, 2017. Rescinded: Filed May 6, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION

Division 60—Highway Safety and Traffic Division Chapter 3—Driver-Improvement Program

PROPOSED RULE

7 CSR 60-3.010 Approval

PURPOSE: This rule establishes an approval process for driver-improvement programs mandated by section 302.178, RSMo.

(1) The Missouri Highways and Transportation Commission designates the Missouri Department of Transportation's Highway Safety and Traffic Division to choose a designee who will receive and process applications to provide a Driver-Improvement Program (DIP).

(2) The designee shall make a provider application available within five (5) business days of receipt of a written request.

(3) A course outline, instructor qualifications, and an assessment of training aids and facilities used by the program shall be submitted with the application.

(4) The designee shall review properly completed and submitted DIP applications and deny the application or issue a provider certificate within forty-five (45) working days of receipt. The designee shall issue a provider certificate upon satisfactory compliance of approval procedures and established criteria for DIPs. Each certificate shall be signed and have a unique identifying number.

(5) The signed certificate authorizes a provider's DIP for one (1) calendar year following the date of issuance. If the DIP varies significantly from the material submitted for approval, then authorization may be withdrawn upon thirty (30) days notice.

AUTHORITY: section 302.178, RSMo 2016. This rule originally filed as 11 CSR 30-3.010. Original rule filed Oct. 15, 1986, effective Jan. 12, 1987. Moved to 7 CSR 60-3.010 and amended: Filed Oct. 17, 2016, effective July 30, 2017. Rescinded and readopted: Filed May 6, 2022.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 5—Retirement, Options and Benefits

PROPOSED AMENDMENT

16 CSR 10-5.020 Disability Retirement. The Public School Retirement System is amending section (2) and new sections (9) and (10), deleting section (5), and renumbering as necessary.

PURPOSE: The Public School Retirement System (PSRS) is amending its rule regarding the disability retirement program. The amendment reflects a policy change recently approved by the Board of Trustees including setting forth what constitutes "earning a livelihood" under section 169.060, RSMo, for PSRS disability retirees in making disability retirement determinations. The amendment also includes provisions regarding the utilization of a vocational review to more accurately evaluate the ability of the member to earn a livelihood as required for the approval process. The amendment also sets forth the PSRS standard for determining whether a disability is

"assumed to be permanent." The amendment makes additional clarifying edits and adjusts section numbering where necessary.

(2) The board of trustees shall designate one (1) or more medical advisers whose duties shall be to review and determine eligibility for all disability retirement applicants, including assigning physicians **and/or vocational specialists** for examinations and reports, when necessary. The board of trustees shall pay the fees of the assigned examining physicians **and/or vocational specialists** and shall pay the medical advisers a fee for each application. The medical advisers shall report on their findings **and the findings** of the examining physicians **and/or vocational specialists, if applicable**, and the board of trustees or designated staff shall act on these findings.

(3) **Disability, as a basis for retirement, shall consist of a physical and/or mental incapacity that renders the member incapable of earning a livelihood in any occupation and shall be of such a nature to warrant an assumption that it will be permanent.**

(4) **As a basis for making an initial disability determination, earning a livelihood in any occupation shall mean that the member must be able to engage in a gainful occupation for which the member is reasonably qualified by education, training, and experience. A gainful occupation is one that replaces not less than seventy-five percent (75%) of the average of the member's last three (3) years of salary and is reasonably found in the member's Metropolitan Statistical Area (MSA) or Balance of State (BOS) area as established by the United States Bureau of Labor Statistics.**

(5) **In order to warrant an assumption that the disability is permanent, the medical advisers and/or the examining physicians must determine that the disabling condition is likely to persist for at least twelve (12) months. The medical advisers and/or the examining physicians shall require that the member's disability be reviewed on a regular basis unless and until a determination can be made that the member's disabling condition will continue until the member reaches age sixty (60). Such review may consist of submission of regular Certification of Disability Status forms as completed by the member's physician or the member may be required to obtain periodic examinations by physicians selected and paid by the board, provided there shall not be more than two (2) examinations in any year.**

[(3)](6) The earliest date on which disability retirement may become effective is the first day of the calendar month following the calendar month in which the services of the member are terminated, or the first day of the month following the month in which the claim is approved, whichever is later; except that the earliest date on which disability retirement may become effective for a member retiring after receiving credit for a year of membership service shall be July 1, the first day of the school year following the termination of services. Termination from employment covered by the retirement system prior to the effective date of disability retirement is required to be eligible for a disability retirement benefit.

[(4)](7) The first payment after approval shall include any benefits which have accrued between the date of disability and the date of the first payment, provided, however, that benefits shall not accrue for more than sixty (60) days prior to the date of filing the application.

[(5)] **Until the member receiving disability benefits reaches age 60, the member may be required to submit yearly Certification of Disability Status forms as completed by the member's physician or the member may be required to obtain periodic examinations by physicians selected and paid by the board, provided there shall not be more than two (2) examinations in any year.]**

[(6)](8) Any member who is receiving a disability retirement allowance from the retirement system and who has attained age sixty (60) may be employed in any capacity for, and receive income of any amount from, any employer except a school district included in the retirement system. Any such member may be employed in a district included in the retirement system without a discontinuance of the retirement allowance if such employment does not exceed the limitations set forth in section 169.560, RSMo, and 16 CSR 10-5.010(6). Pursuant to section 169.560, RSMo[,], the limitations apply to disability retirees over age 60 who are employed by a third party or as an independent contractor, if such disability retiree is performing work in a district included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district.

[(7)](9) Any member who is receiving a disability retirement allowance from the retirement system and who has not attained age sixty (60) may not be employed in any capacity by a district included in the retirement system and continue to receive the disability retirement allowance. Any such person may not be employed in any capacity for any other employer, the compensation for which employment would constitute a livelihood, and continue to receive the disability retirement allowance. The board of trustees will determine that a member who **has been approved for disability retirement and** is receiving a disability retirement allowance is earning a livelihood for any given year when, **not including the member's disability retirement allowance**, the member earns more than twelve (12) times the Substantial Gainful Activity monthly limit for non-blind Social Security Disability Insurance recipients for that year. Income is earned for purposes of this section when it is received as a result of wages[,], including bonuses, commissions *[or]*, severance pay, or is net earnings from self-employment. Investment income, pensions, capital gains, legal settlements or judgments, rental income that is not a part of self-employment (e.g., someone who is in the business of renting property), support or alimony payments, and inheritances are some examples of unearned income which would not count toward the earnings limit. The recipient of disability retirement benefits who has not attained age sixty (60) shall be required to submit an annual verification of income and may be required to submit tax returns, W-2 forms, paystubs, and other forms of documentation as evidence of continued eligibility for disability retirement.

[(8)](10) If the member fails to provide the board of trustees with the completed Certification of Disability Status form or obtain a periodic examination as required by section (5), fails to provide the income verification as required by section **[(7)](9)**, or earns a livelihood in excess of the limits set forth in section **[(7)](9)**, the member's disability benefit shall be suspended until such certification of the member's continued disability can be made or until the member reaches age sixty (60).

[(9)](11) A recipient of disability benefits may make a written request to the board of trustees to return to full-time or part-time employment on a trial basis. The written request shall include the proposed employer and the proposed start date of employment. The written request shall then either be approved or denied by the board of trustees. If the request is approved, the recipient's disability benefit shall be placed on hold by the board of trustees for the duration of the trial period, which is not to exceed twelve (12) calendar months. If the recipient is unable to complete his or her trial basis employment period, the recipient must provide written documentation to the board of trustees stating that he or she is not able to complete the trial period. The board of trustees may require the recipient to again submit to a periodic examination by physicians selected by the board of trustees, to determine if the recipient remains incapable of earning a livelihood in any occupation. If determined to still be

incapable of earning a livelihood in any occupation, the recipient shall again be considered a disability retiree and receive a disability retirement benefit without resubmitting an Application for Disability Retirement; any contributions paid to the retirement system by the recipient and his or her employer during the incomplete trial basis employment period will be refunded to the employer, which shall then refund its employee for any employee-paid contributions. The recipient shall receive no additional service credit for the incomplete trial basis employment period. If the recipient does successfully complete his or her trial basis employment, his or her disability retirement will be terminated and his or her membership status as of the date of the member's disability retirement shall be restored; any contributions paid by the recipient and his or her employer to the retirement system during the trial basis employment period will be retained by the retirement system and applied to the member account as payment toward any disability benefits paid during the member's retirement. The recipient will be granted service credit for the trial basis employment period. In no event shall the recipient receive a benefit payment in the same calendar month in which the recipient either works for his or her trial basis employer or receives service credit.

[(10)](12) Upon the death of a disability retiree, his or her beneficiary is entitled to the same benefits as the beneficiary of a member who dies while employed in a district included in the retirement system as outlined under sections 169.070 and 169.075, RSMo.

AUTHORITY: section 169.020, RSMo Supp. [2020] 2021. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed May 5, 2022.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately twenty-three thousand dollars (\$23,000) in the aggregate each year.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School Retirement System of Missouri, Attn: General Counsel, at PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Title 16-RETIREMENT SYSTEMS**
Division Title: 10-The Public School Retirement Systems of Missouri
Chapter Title: 5-Retirement, Options and Benefits

Rule Number and Name:	16 CSR 10-5.020 Disability Retirement
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public School Retirement System of Missouri (PSRS)	\$23,000/year

III. WORKSHEET

Approximately 20 PSRS retirees/year will be referred to a vocational specialist (cost is \$1,150 per visit) = \$23,000.00

IV. ASSUMPTIONS

Approximately 40 Disability Retirees per year for PSRS. Half of those (20) will be referred for a vocational specialist review. Each vocation review cost is \$1,150/visit.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Public Education Employee Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.070 Disability Retirement. The Public School Retirement System is amending section (2) and new sections (9) and (10), deleting section (5), and renumbering as necessary.

PURPOSE: The Public Education Employee Retirement System (PEERS) is amending its rule regarding the disability retirement program. The amendment reflects a policy change recently approved by the Board of Trustees including setting forth what constitutes “earning a livelihood” under section 169.663, RSMo, for PEERS disability retirees in making disability retirement determinations. The amendment also includes provisions regarding the utilization of a vocational review to more accurately evaluate the ability of the member to earn a livelihood as required for the approval process. The amendment also sets forth the PEERS standard for determining whether a disability is “assumed to be permanent.” The amendment makes additional clarifying edits and adjusts section numbering where necessary.

(2) The board of trustees shall designate one (1) or more medical advisers whose duties shall be to review and determine eligibility for all disability retirement applicants, including assigning physicians **and/or vocational specialists** for examinations and reports, when necessary. The board of trustees shall pay the fees of the assigned examining physicians **and/or vocational specialists** and shall pay the medical advisers a fee for each application. The medical advisers shall report on their findings **and the findings** of the examining physicians **and/or vocational specialists, if applicable**, and the board of trustees or designated staff shall act on these findings.

(3) Disability, as a basis for retirement, shall consist of a physical and/or mental incapacity that renders the member incapable of earning a livelihood in any occupation and shall be of such a nature to warrant an assumption that it will be permanent.

(4) As a basis for making an initial disability determination, earning a livelihood in any occupation shall mean that the member must be able to engage in a gainful occupation for which the member is reasonably qualified by education, training, and experience. A gainful occupation is one that replaces not less than seventy-five percent (75%) of the average of the member’s last three (3) years of salary and is reasonably found in the member’s Metropolitan Statistical Area (MSA) or Balance of State (BOS) area as established by the United States Bureau of Labor Statistics.

(5) In order to warrant an assumption that the disability is permanent, the medical advisers and/or the examining physicians must determine that the disabling condition is likely to persist for at least twelve (12) months. The medical advisers and/or the examining physicians shall require that the member’s disability be reviewed on a regular basis unless and until a determination can be made that the member’s disabling condition will continue until the member reaches age sixty (60). Such review may consist of submission of regular Certification of Disability Status forms as completed by the member’s physician or the member may be required to obtain periodic examinations by physicians selected and paid by the board, provided there shall not be more than two (2) examinations in any year.

[[3]](6) The earliest date on which disability retirement may become

effective is the first day of the calendar month following the calendar month in which the services of the member are terminated, or the first day of the month following the month in which the claim is approved, whichever is later; except that the earliest date on which disability retirement may become effective for a member retiring after receiving credit for a year of membership service shall be July 1, the first day of the school year following the termination of services. Termination from employment covered by the retirement system prior to the effective date of disability retirement is required to be eligible for a disability retirement benefit.

[[4]](7) The first payment after approval shall include any benefits which have accrued between the date of disability and the date of the first payment, provided, however, that benefits shall not accrue for more than sixty (60) days prior to the date of filing the application.

[[5] Until the member receiving disability benefits reaches age 60, the member may be required to submit yearly Certification of Disability Status forms as completed by the member’s physician or the member may be required to obtain periodic examinations by physicians selected and paid by the board, provided there shall not be more than two (2) examinations in any year.]

[[6]](8) Any member who is receiving a disability retirement allowance from the retirement system and who has attained age sixty (60) may be employed in any capacity for, and receive income of any amount from, any employer except a school district included in the retirement system. Any such member may be employed in a district included in the retirement system without a discontinuance of the retirement allowance if such employment does not exceed the limitations [on hours worked as] set forth in section 169.660, RSMo, and 16 CSR 10-6.060(4).

[[7]](9) Any member who is receiving a disability retirement allowance from the retirement system and who has not attained age sixty (60) may not be employed in any capacity by a district included in the retirement system and continue to receive the **disability retirement allowance**. Any such person may not be employed in any capacity for any other employer, the compensation for which employment would constitute a livelihood, and continue to receive the **disability retirement allowance**. The board of trustees will determine that a member who **has been approved for disability retirement and** is receiving a disability retirement allowance is earning a livelihood for any given year when, **not including the member’s disability retirement allowance**, the member earns more than twelve (12) times the Substantial Gainful Activity monthly limit for non-blind Social Security Disability Insurance recipients for that year. Income is earned for purposes of this section when it is received as a result of wages[,] including bonuses, commissions [or], severance pay, or is net earnings from self-employment. Investment income, pensions, capital gains, legal settlements or judgments, rental income that is not a part of self-employment (e.g., someone who is in the business of renting property), support or alimony payments, and inheritances are some examples of unearned income which would not count toward the earnings limit. The recipient of disability retirement benefits who has not attained age sixty (60) shall be required to submit an annual verification of income and may be required to submit tax returns, W-2 forms, paystubs, and other forms of documentation as evidence of continued eligibility for disability retirement.

[[8]](10) If the member fails to provide the board of trustees with the completed Certification of Disability Status form or obtain a periodic examination as required by section (5), fails to provide the income verification as required by section [[7]](9), or earns a livelihood in excess of the limits set forth in section [[7]](9), the member’s disability benefit shall be suspended until such certification of the member’s continued disability can be made [by the board of trustees]

or until the member reaches age sixty (60).

[(9)](11) A recipient of disability benefits may make a written request to the board of trustees to return to full-time or part-time employment on a trial basis. The written request shall include the proposed employer and the proposed start date of employment. The written request shall then either be approved or denied by the board of trustees. If the request is approved, the recipient's disability benefit shall be placed on hold by the board of trustees for the duration of the trial period, which is not to exceed twelve (12) calendar months. If the recipient is unable to complete his or her trial basis employment period, the recipient must provide written documentation to the board of trustees stating that he or she is not able to complete the trial period. The board of trustees may require the recipient to again submit to a periodic examination by physicians selected by the board of trustees, to determine if the recipient remains incapable of earning a livelihood in any occupation. If determined to still be incapable of earning a livelihood in any occupation, the recipient shall again be considered a disability retiree and receive a disability retirement benefit without resubmitting an Application for Disability Retirement; any contributions paid to the retirement system by the recipient and his or her employer during the incomplete trial basis employment period will be refunded to the employer, which shall then refund its employee for any employee-paid contributions. The recipient shall receive no additional service credit for the incomplete trial basis employment period. If the recipient does successfully complete his or her trial basis employment, his or her disability retirement will be terminated and his or her membership status as of the date of the member's disability retirement shall be restored; any contributions paid by the recipient and his or her employer to the retirement system during the trial basis employment period will be retained by the retirement system and applied to the member account as payment toward any disability benefits paid during the member's retirement. The recipient will be granted service credit for the trial basis employment period. In no event shall the recipient receive a benefit payment in the same calendar month in which the recipient either works for his or her trial basis employer or receives service credit.

[(10)](12) Upon the death of a disability retiree, his or her beneficiary is entitled to the same benefits as the beneficiary of a member who dies while employed in a district included in the retirement system as outlined under section 169.670, RSMo.

AUTHORITY: section 169.610, RSMo 2016. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 5, 2022.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately eleven thousand five hundred dollars (\$11,500) in the aggregate each year.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School Retirement System of Missouri, Attn: General Counsel, at PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Title 16-RETIREMENT SYSTEMS**
Division Title: 10-The Public School Retirement Systems of Missouri
Chapter Title: 6-The Public Education Employee Retirement System of Missouri

Rule Number and Name:	16 CSR 10-6.070 Disability Retirement
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
The Public Education Employee Retirement System of Missouri (PEERS)	\$11,500/year

III. WORKSHEET

Approximately 10 PEERS retirees/year will be referred to a vocational specialist (cost is \$1,150 per visit) = \$11,500.00

IV. ASSUMPTIONS

Approximately 20 Disability Retirees per year for PEERS. Half of those (10) will be referred for a vocational specialist review. Each vocation review cost is \$1,150/visit.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2220-2.685 Standards of Operation for a Class Q: Charitable Pharmacy. The board is adding a new section (9).

PURPOSE: This amendment establishes licensure exemptions for pharmacies engaged in sharing services with a Class Q Charitable Pharmacy.

(9) A Class Q pharmacy receiving a completed and labeled prescription from another pharmacy to provide to a qualified indigent patient is not considered to be shared services under 20 CSR 2220-2.650. For prescriptions received from another pharmacy—

(A) The Class Q pharmacy must maintain documentation of the prescription received, the name and address of the pharmacy providing the prescription, the date of receipt, the prescription number or unique identifier, and the patient's name;

(B) The Class Q pharmacy is responsible for ensuring compliance with all applicable patient counseling requirements;

(C) Prior to dispensing a prescription received from another pharmacy, a pharmacist must perform a drug utilization review with the patient information available at the Class Q pharmacy in compliance with 20 CSR 2220-2.195;

(D) If additional manipulation or compounding is required by the Class Q pharmacy, receipt of a prescription or medication order is required and the receiving pharmacy must dispense the product as their own prescription/order. All prescription, record keeping, compounding, and labeling requirements must be met; and

(E) Licensees shall comply with all applicable controlled substance laws and regulations, including but not limited to all applicable security and record keeping requirements.

AUTHORITY: sections 338.140, 338.210, 338.220, and 338.333, RSMo Supp. [2020] 2021, and sections 338.280 and 338.350, RSMo 2016. Original rule filed Jan. 26, 2021, effective July 30, 2021. Amended: Filed May 13, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 2231—Division of Professional Registration
Chapter 1—Organization and
Description of Division**

PROPOSED AMENDMENT

20 CSR 2231-1.010 General Organization. The division is amend-

ing section (4).

PURPOSE: This amendment reorganizes the list to match 20 CSR 2231-2.010.

(4) Boards, commissions, committees, councils, and offices assigned to the division are—

(H) Behavior Analyst Advisory Board;

[(H)](I) Missouri State Board of Chiropractic Examiners;

[(I)](J) State Board of Cosmetology and Barber Examiners;

[(J)] Behavior Analyst Advisory Board;]

(P) State Board of Embalmers and Funeral Directors;

[(P)](Q) Office of Endowed Care Cemeteries;

[(Q)] State Board of Embalmers and Funeral Directors;]

(Z) Missouri [State] Board of Occupational Therapy;

(CC) [State] Missouri Board of Pharmacy;

AUTHORITY: section 536.023(3), RSMo 2016. This rule originally filed as 4 CSR 231-1.010. Original rule filed Feb. 9, 1982, effective May 13, 1982. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 4, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Professional Registration, Sheila Solon, Acting Division Director, PO Box 1335, Jefferson City, MO 65102, or via email at profreg@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 2231—Division of Professional Registration
Chapter 2—Designation of License Renewal Dates and
Related Renewal Information**

PROPOSED AMENDMENT

20 CSR 2231-2.010 Designation of License Renewal Dates and Related Renewal Information. The division is amending section (2).

PURPOSE: This amendment changes the renewal date for dietitians and athletic trainers and reorganizes section (2) to match 20 CSR 2231-1.010.

(2) The license renewal dates designated for each agency assigned to the division are—

(E) Athletic Trainer Advisory Committee—[January 31] February 1;

(K) Committee for Professional Counselors—July 1;

[(K)](L) [The] Missouri Dental Board—December 1;

(M) Advisory Commission for Dental Hygienists—December 1;

[(L)](N) State Committee of Dietitians—April [2]1;

[(M)] Advisory Commission for Dental Hygienists—December 1;]

[(N)](O) Office of Statewide Electrical Contractors—October 1;

[(O)](P) State Board of Embalmers and Funeral Directors—

1. Embalmers, funeral directors—June 1;

2. Preneed providers—November 1;

3. Preneed sellers—November 1;
 4. Preneed agents—December 1;
 5. Funeral director preneed agents—December 1; and
 6. Funeral establishments—January 1;
- [(P)](Q) Office of Endowed Care Cemeteries—September 1;*
[(Q)](R) Board of Geologist Registration—May 1;
[(R)](S) [The] State Board of Registration for the Healing Arts—
 February 1;
[(S)](T) Missouri Board of Examiners for Hearing Instrument
Specialists—January 1;
[(T)](U) Interior Design Council—September 1;
[(U)](V) Missouri State Committee of Interpreters—February 1;
[(V)](W) State Committee of Marital and Family Therapists—
 March 1;
[(W)](X) Board of Therapeutic Massage—
 1. Massage Therapy License—February 1; and
 2. Massage Therapy Business License—February 1;*[(X)](Y) [The] Missouri State Board of Nursing—*
 1. Registered nurses—May 1; and
 2. Licensed practical nurses—June 1;*[(Y)](Z) Missouri Board of Occupational Therapy—July 1;*
[(Z)](AA) [The] State Board of Optometry—November 1;
[(AA)](BB) Advisory Commission for Clinical Perfusionists—
 February 1;
[(BB)](CC) [The] Missouri Board of Pharmacy—
 1. Pharmacists—November 1;
 2. Pharmacies—November 1;
 3. Pharmacy interns—January 1;
 4. Drug distributors, Drug Outsourcer, or Third-Party Logistic
 Provider—November 1; and
 5. Pharmacy technicians—June 1;*[(CC)](DD) Advisory Commission for Physical Therapists—*
 February 1;
[(DD)](EE) Advisory Commission for Physician Assistants—
 February 1;
[(EE)](FF) State Board of Podiatric Medicine—March 1;
[(FF)](GG) Board of Private Investigator and Private Fire
 Investigator Examiners—
 1. Private investigators—May 1;
 2. Private investigator agencies—June 1;
 3. Agency private investigator employees—July 1;
 4. Private fire investigators—May 1;
 5. Private fire investigator agencies—June 1; and
 6. Agency private fire investigator employees—July 1;*[(GG) Committee for Professional Counselors—July 1;]*

AUTHORITY: section 324.001, RSMo Supp. [2018] 2021. This rule originally filed as 4 CSR 231-2.010. Emergency rule filed Feb. 9, 1982, effective Feb. 19, 1982, expired May 12, 1982. Original rule filed Feb. 9, 1982, effective May 13, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 4, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Professional Registration, Sheila Solon, Acting Division Director, PO Box 1335, Jefferson City, MO 65102, or via email at profreg@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 10—Food Safety and Meat Inspection

ORDER OF RULEMAKING

By the authority vested in the Animal Health Division under section 265.020, RSMo 2016, the Animal Health Division amends a rule as follows:

2 CSR 30-10.010 Inspection of Meat and Poultry is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2022 (47 MoReg 231). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.433 is amended.

This rule establishes the firearms deer hunting season, limits, and provisions for hunting and is exempted by sections 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.433 by establishing firearms deer hunting seasons.

3 CSR 10-7.433 Deer: Firearms Hunting Season

(1) The firearms deer hunting season is comprised of five (5) portions.

(A) Youth portions: October 29 through 30, 2022, and November 25 through 27, 2022; for persons at least six (6) but not older than fifteen (15) years of age; use any legal deer hunting method to take one (1) deer statewide during the October 29 through 30, 2022, portion; use any legal deer hunting method to take deer statewide during the November 25 through 27, 2022, portion.

(B) November portion: November 12 through 22, 2022; use any legal deer hunting method to take deer statewide.

(C) Antlerless portion: December 3 through 11, 2022; use any legal deer hunting method to take antlerless deer in Adair, Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Howard, Howell, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Perry, Pettis, Phelps, Pike, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Ripley, Saline, Schuyler, Scotland, Shannon, Shelby, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Webster, Worth, and Wright counties.

(D) Alternative methods portion: December 24, 2022, through January 3, 2023; use muzzleloader and archery methods, crossbows, atlatl, handguns, and air-powered guns as defined in 3 CSR 10-7.431 to take deer statewide.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo 2016.

This amendment was filed May 3, 2022, becomes effective **May 13, 2022**.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 15—Hospital Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201 and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-15.020 Procedures for Admission Certification, Continued Stay Review, and Validation Review of Hospital Admissions is amended.

A notice of proposed rulemaking containing the text of the proposed

amendment was published in the *Missouri Register* on February 15, 2022 (47 MoReg 241). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The MO HealthNet Division received one (1) comment on the proposed amendment.

COMMENT #1: Trudith Douglas, with BJC HealthCare, comments the following:

I'm writing you today on behalf of BJC HealthCare in St. Louis, an integrated health system comprised of twelve acute care hospitals, a large multi-specialty physician practice, and post-acute, corporate, home health, and behavioral health services.

BJC expresses concern regarding a Proposed Rule in the February 15th edition of the *Missouri Register* related to 13 CSR 70-15.020, Missouri HealthNet Division ("MHD" or "the Division") Procedures for Admission Certification, Continued Stay Review, and Validation Review of Hospital Admissions. The proposed amendment seeks to add new subsection (1)(Y) defining a "Written Request" for providers' records pursuant to admission certifications and related reviews.

BJC recognizes and appreciates MHD's need to have multiple means of contacting providers and requesting relevant records for admission certifications and reviews and other provider oversight involving MHD beneficiaries. However, the intent of MHD in publishing this proposed amendment remains occluded; is this merely a technical revision to the code, or is the division planning new sub-regulatory policies or protocols for requesting records to which this proposed amendment is a precursor?

BJC requests that the division make clearer its intent in any subsequent final rule. If MHD intends to change current protocols as a result of such rule, then the division should provide guidance on which addresses in which of MHD's "systems" will be used for such written requests, i.e. Cyber Access or e-MOMED or some other current or future system. MHD must grant providers adequate time to update those addresses, adjust their internal processes, and reorient relevant personnel as needed to ensure minimal disruption to provider and division workflows during the transition.

RESPONSE: The Department of Social Services, Mo HealthNet Division, appreciates the comment received from BJC Healthcare. This is only a technical revision to the code in order to add another option for requesting records. There is no additional change regarding protocols or policies for requesting records at this time. No changes have been made to this proposed amendment as a result of this comment.

Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 5—Missouri Empowerment Scholarship
Accounts Program

ORDER OF RULEMAKING

By the authority vested in the state treasurer's office under section 135.719, RSMo Supp. 2021, the treasurer adopts a rule as follows:

15 CSR 50-5.010 General Organization is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2022 (47 MoReg 318). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The state treasurer's office received

three (3) comments on the proposed rule.

COMMENT #1: Melissa Gooden commented that she has seniors that attend North County Christian School and she wants the state treasurer's office to keep the program.

RESPONSE: The state treasurer's office appreciates receiving this comment. No changes have been made to the rule as a result of this comment.

COMMENT #2: Seven individuals requested that all these regulations not be placed on the scholarships.

RESPONSE: The General Assembly authorized the state treasurer's office to promulgate rules to implement the program. No changes have been made to the rule as a result of this comment.

COMMENT #3: Greg Clark, Superintendent of North County Christian School, noted that he had read and approved of the proposed rules for the program.

RESPONSE: The state treasurer's office appreciates receiving this comment. No changes have been made to the rule as a result of this comment.

Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 5—Missouri Empowerment Scholarship
Accounts Program

ORDER OF RULEMAKING

By the authority vested in the state treasurer's office under section 135.719, RSMo Supp. 2021, the state treasurer's office adopts a rule as follows:

15 CSR 50-5.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2022 (47 MoReg 318-321). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The state treasurer's office received twenty-nine (29) comments on the proposed rule.

COMMENT #1: The Missouri School Boards' Association commented that they do not understand what the term "vendor" means.
RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office has included a definition of the term "vendor" in the rule.

COMMENT #2: Staff noted that certain language in section (3) was not necessary and recommended it be deleted.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and the language has been removed.

COMMENT #3: The Missouri School Boards' Association comments that the state should require accreditation from agencies that demand quality and rigor.

RESPONSE: The state treasurer's office agrees. The rules require full accreditation from the Department of Elementary and Secondary Education or a nationally recognized education accrediting association. The state treasurer's office will take thoughtful steps to ensure that Missouri tax dollars will only be spent on schools that have been accredited by an independent, reputable agency that is transparent and focused on academic success. No changes to the rule have been made in response to this comment.

COMMENT #4: The Missouri School Boards' Association comments that educational assistance organizations should not be authorized to approve the schools with which they contract.

RESPONSE: The requirement that an educational assistance organization must manage a scholarship account is set by statute and cannot be changed without changes to the statute. Nothing in the statute requires an educational assistance organization to work with any particular school. On one hand, MSBA claims there should be a more rigorous process for accreditation, on the other hand, they claim educational assistance organizations have no authority to deny attendance at any particular school. No changes have been made to the rule as a result of this comment.

COMMENT #5: The Missouri School Boards' Association comments that the requirements set forth in section 166.705, RSMo, should be included in the rules.

RESPONSE: The rules do not need to repeat every requirement that is already set forth in statute. No changes have been made to the rule as a result of this comment.

COMMENT #6: The Missouri School Boards' Association comments that the requirement set forth in section 166.400(7), RSMo, should be included in the rules.

RESPONSE: The rules do not need to repeat every requirement that is already set forth in statute. No changes have been made to the rule as a result of this comment.

COMMENT #7: The Missouri School Boards' Association comments that all schools should be required to conduct background checks on employees.

RESPONSE: The state treasurer's office has established quality and safety standards by requiring accreditation by a nationally recognized accrediting agency. No changes have been made as a result of this comment.

COMMENT #8: Staff noted paragraph (4)(A)2. contained a typo, using the term "education" instead of "educational."

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees; the typo has been corrected.

COMMENT #9: The state treasurer's office received five hundred thirty-one (531) written comments that each request that paragraph (4)(B)1. be deleted because section 166.700(7), RSMo, does not place this requirement on home schools.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and has deleted paragraph (4)(B)1. from the rule.

COMMENT #10: The Missouri School Boards' Association recommends adding to the rule the nondiscrimination requirements for all other schools found in section 166.700(7), RSMo.

RESPONSE: The rules do not need to repeat every requirement that is already set forth in statute. No changes have been made to the rule as a result of this comment.

COMMENT #11: The state treasurer's office received five hundred thirty-two (532) written comments that each request that paragraph (4)(B)3. be deleted because the program does not require a home school to submit proposed curriculum and this requirement would stifle parental options to be creative in educating their child.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (4)(B)3. will be changed to add the option that a home school may choose to provide the records required by section 167.031.2(2)(a), RSMo, in lieu of providing a proposed curriculum plan.

COMMENT #12: The state treasurer's office received five hundred thirty-one (531) written comments that each request that paragraph (4)(B)4. be deleted because there is nothing in statute requiring home

school parents to submit to background checks.

RESPONSE AND EXPLANATION OF CHANGE: The language will be modified to clarify that a Missouri Automated Criminal History System (MACHS) background check for adults residing in a home school is required only for those applications that have been given initial approval from an educational assistance organization. The state treasurer's office will perform the background check prior to granting final approval to an application. Participation in this program, which involves granting taxpayer funds to individuals, is voluntary. Ensuring student safety and protecting the integrity of the program and the use of funds is of paramount importance.

COMMENT #13: The state treasurer's office received five hundred thirty-five (535) written comments that each request that paragraph (4)(B)6. be deleted because the enacting statutes do not give open-ended authority to request information that is not specifically set forth.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (4)(B)6. is unnecessary and has been deleted from the rule.

COMMENT #14: The state treasurer's office received one hundred thirty-three (133) written comments that each asserted that a requirement for a homeschool to "register" is not listed in the proposed rules for a "qualified home school."

RESPONSE: Subsection (4)(B) specifically states that prospective students wishing to attend a home school must submit a home school certification application and the requirements that must be followed. No changes have been made to the rule as a result of this comment.

COMMENT #15: Amanda Sikes requests the definition of "qualified school" be modified to eliminate home schools.

RESPONSE: The eligibility of home schools is set by statute and cannot be changed without changes to the statute. No changes have been made to the rule as a result of this comment.

COMMENT #16: Three (3) individuals requested that the definition of "qualified student" be modified to eliminate the requirement that a student who qualifies based on total annual income has to have attended a public school as a full-time student for at least one semester during the previous twelve months.

RESPONSE: The public school attendance requirement is set by statute and cannot be changed without changes to the statute. No changes have been made to the rule as a result of this comment.

COMMENT #17: The state treasurer's office received eight (8) written comments that each request the definition of "qualified student" be modified to eliminate the requirement that a student reside in any county with a charter form of government or any city with at least thirty thousand inhabitants because this requirement negatively impacts rural children.

RESPONSE: The residency requirement limitations are set by statute and cannot be changed without changes to the statute. No changes have been made to the rule as a result of this comment.

COMMENT #18: The state treasurer's office received sixty-six (66) written comments that each request the definition of "qualified student" be modified to ensure private school students who have an Individualized Education Plan developed under the federal Individuals with Disabilities Education Act (IDEA) on file with the local educational authority are included in the definition.

RESPONSE: Section 166.700(8), RSMo, specifies that any elementary or secondary school student who has an approved Individualized Education Plan developed under the federal IDEA qualifies for the program. Private school students who have an Individualized Education Plan developed under the IDEA on file with the local educational authority are included in the existing definition. No changes have been made to the rule as a result of this comment.

COMMENT #19: “Shannon” requests that the requirement for accreditation in paragraph (4)(A)1. be deleted because private schools that are not accredited could see an exodus from their schools.

RESPONSE: To ensure academic quality and public accountability, the program will require minimum quality standards from participating schools, evidenced by accreditation. The state treasurer’s office is continuously reviewing applications to approve additional nationally recognized education accrediting associations. No changes have been made to the rule as a result of this comment.

COMMENT #20: Parent Christina Frerichs suggests that any private schools with a statewide or national accreditation automatically be eligible to receive program funds.

RESPONSE: Qualified schools with the requisite accreditation that want to participate in the program may apply for approval from one or more certified educational assistance organizations. No changes have been made in response to this comment.

COMMENT #21: Peter Franzen, Associate Executive Director of the Children’s Education Alliance of Missouri, requests that the requirement for accreditation in paragraph (4)(A)1. be modified to only apply to schools serving more than twenty (20) students.

RESPONSE: To ensure academic quality and public accountability, the program will require minimum quality standards from participating schools, evidenced by accreditation. The state treasurer’s office is continuously reviewing applications to approve additional nationally recognized education accrediting associations. No changes have been made to the rule as a result of this comment.

COMMENT #22: Two (2) individuals requested that accreditation through the Association of Christian Schools International be accepted.

RESPONSE: Association of Christian Schools International is on the list of nationally recognized education accrediting associations accepted by the state treasurer’s office, and the state treasurer’s office is continuously reviewing applications to approve additional nationally recognized education accrediting associations. No changes have been made to the rule as a result of this comment.

COMMENT #23: The state treasurer’s office received three (3) written comments that each request that unaccredited private schools be considered a “home school” and therefore exempt from the accreditation requirement for private schools.

RESPONSE: Section 166.700(7), RSMo, specifies the term “home school” shall be defined as it is in section 167.031, RSMo, and therefore the definition of “home school” cannot be changed without changes to the statute. To ensure academic quality and public accountability, the program will require minimum quality standards from participating private schools, evidenced by accreditation. No changes have been made to the rule as a result of this comment.

COMMENT #24: Peter Franzen, Associate Executive Director of the Children’s Education Alliance of Missouri, requests the requirement found in paragraph (4)(A)2. that specifies a qualified school receive approval from one or more educational assistance organizations should be deleted because it could potentially prevent families from using the program scholarships at otherwise qualified schools.

RESPONSE: The program permits any qualified student to apply for a scholarship at any educational assistance organization of their choice, that has partnered with any school of their choice. No changes have been made to the rule as a result of this comment.

COMMENT #25: The Missouri School Boards’ Association recommends that the termination clause contained in section (5) should be deleted.

RESPONSE: The termination clause in section 166.700.4(4), RSMo, is statutory and cannot be changed without changes to the

statute. MSBA provides no rationale for reporting information after July 1, 2027. While it is true that districts can use the greatest attendance over a three-year period for the calculation of state aid, the attendance figures for any given school year do not change after the school year has been completed. No changes have been made to the rule as a result of this comment.

COMMENT #26: The Missouri School Boards’ Association comments that vendors should not have appeal rights to the administrative hearing commission.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer’s office agrees; the statute does not provide those rights to vendors. Vendors have been removed from this section of the rule.

COMMENT #27: The Missouri School Boards’ Association comments that a disqualified parent, student, or vendor should never be allowed to reapply to participate in the program.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer’s office disagrees. The circumstances leading to a disqualification will vary from case to case and a permanent ban could have inadvertent unnecessary negative consequences. Nothing in the proposed rule indicates that a reapplication after suspension would be automatically granted. The state treasurer’s office would be able to take all circumstances related to the suspension into account when evaluating a reapplication after prior suspension. The rule has been clarified to require the state treasurer’s office review of any reapplication after a prior suspension.

COMMENT #28: The Missouri School Boards’ Association comments that the rule specifying when the state treasurer’s office may turn information over to law enforcement conflicts with the sunshine law, and that the phrase “treasurer’s work product” has no authority.

RESPONSE AND EXPLANATION OF CHANGE: The phrase “treasurer’s work product” is unnecessary and has been deleted from the rule. The rule specifying when information will be disclosed to law enforcement has no impact on the provisions found in Chapter 610, RSMo.

COMMENT #29: Staff noted that additional language was needed in paragraph (4)(B)1. and recommended it be added.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer’s office agrees and has included the additional language.

15 CSR 50-5.020 Missouri Empowerment Scholarship Accounts Program

(1) Definitions.

(B) Additional Definitions. The following definitions shall also apply to the following terms as they are used in this rule:

1. “501(c)(3) organization” means an organization described in section 501(c)(3) of the *Internal Revenue Code* and exempt from taxation under section 501(a) of the *Internal Revenue Code*;

2. “Ownership” means the authority to act on behalf of the qualified student and make decisions regarding the qualified student’s scholarship account;

3. “Parent” means a parent, as that term is defined in section 135.712.2(2), RSMo, who has entered into a written participation agreement with an educational assistance organization for the payment of educational expenses on behalf of a qualified student;

4. “Person” means any individual, estate, association, trust, partnership, limited liability company, corporation, the state of Missouri or any department thereof, or any political subdivision of the state of Missouri;

5. “School year” means the period that commences on the first day of July and ends on the thirtieth day of the following June;

6. “Semester” means a half-year term of a school year, no less than twelve (12) weeks in duration;

7. “State fiscal year” means the period that commences on the first day of July and ends on the thirtieth day of the following June;

8. “Statutes” means sections 135.712 through 135.719, RSMo, and sections 166.700 through 166.720, RSMo;

9. “Tax credits” means Missouri Empowerment Scholarship Accounts Program tax credits authorized under the program;

10. “Taxpayer” means the entity or individual that makes a qualifying contribution for purposes of claiming a tax credit; and

11. “Vendor” means every person or entity engaged in the business of selling products or services to a scholarship recipient which will be paid for with proceeds from an empowerment scholarship account, or who would for any reason receive funds as a result of any distribution from an empowerment scholarship account.

(3) Program Administration and Management. The program shall be administered and managed in compliance with the statutes and promulgated rules. Procedures and forms for use in the administration and management of the program shall be subject to the approval of the treasurer. If the treasurer designates a third party to assist or act with respect to the administration and management of the program, the references herein to the treasurer shall govern such a designee.

(4) Qualified Schools.

(A) All schools other than homeschools. A public school, charter school, private school, or a public or private virtual school, shall satisfy the following requirements to be considered a qualified school:

1. Full accreditation by the Department of Elementary and Secondary Education or a nationally recognized education accrediting association. A list of approved nationally recognized education accrediting associations will be made available on the treasurer’s official website; and

2. Approval from one (1) or more certified educational assistance organizations.

(B) Home schools. Any prospective student that will attend a home school, as defined in section 167.031, RSMo, shall submit to an educational assistance organization as part of his or her completed qualified student application a home school certification application. In addition to certifying that the home school complies with all provisions found in section 167.031.2(1), RSMo, the home school shall certify that it will:

1. Agree to not pay, share, refund, or rebate any MOScholars account funds in any manner with the parent, qualified student, or any other individual within three (3) degrees of consanguinity to the qualified student;

2. Submit a proposed curriculum plan, or, provide the records required to be maintained pursuant to section 167.031.2(2)(a), RSMo;

3. Provide the state treasurer’s office with an authorization to conduct a review of the criminal history records maintained by the Missouri State Highway Patrol in the Missouri criminal records repository for every adult who resides in the home school, if the home school is given initial approval from an educational assistance organization; and

4. When requested, produce the records required to be maintained under section 167.031.2(2)(a), RSMo.

A. Within fifteen (15) days of receipt of a completed qualified student application and home school certification, the educational assistance organization shall provide the treasurer an initial approval in accordance with the criteria set forth above, unless granted an extension by the treasurer or the educational assistance organization determines a denial is necessary.

B. Upon receipt of a home school certification that has received initial approval from an educational assistance organization, the treasurer shall conduct a review of the criminal history records maintained by the Missouri State Highway Patrol in the Missouri criminal records repository for every adult who resides in the home school, and notify the parent and the educational assistance organi-

zation that the home school certification application has received final approval or denial.

(6) Violations of Program Provisions. If the treasurer determines that any parent, eligible student, or vendor has committed an intentional program violation consisting of any misrepresentation or other act that materially violates any law or promulgated rule, the treasurer may disqualify the offending party from the program. In such a case, the treasurer shall notify the parent, eligible student, or vendor in writing of the grounds for the proposed disqualification and provide the party an opportunity to respond to the allegations in writing. A parent may request a hearing conducted in accordance with the provisions of Chapter 536, RSMo, and may appeal the administrative hearing commission’s decision to the circuit court of the county in which the student resides. Disqualification of a parent, eligible student, or vendor by the treasurer shall not be a prerequisite nor a substitute for any other civil or criminal causes of action to which such party may otherwise be subject but is in addition to such possible remedies. Any information obtained or compiled by the treasurer in determining whether to disqualify a parent, eligible student, or vendor may be disclosed to appropriate law enforcement agencies, in any investigation, action, or proceeding, civil or criminal, brought by a governmental agency to enforce the laws of this state or upon court order in any action or proceeding where such information is material to an issue in the action or proceeding. After a twelve (12) month waiting period immediately following a disqualification, any parent, eligible student, or vendor may thereafter re-apply to participate in the program in accordance with the applicable laws governing eligibility and participation in the program. The state treasurer’s office shall evaluate the reapplication of any program participant who has been previously suspended. Any funds remaining in the scholarship account of a parent or eligible student who has been disqualified from the program shall be returned to the educational assistance organization to be redistributed to other qualified students for scholarship accounts.

Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 5—Missouri Empowerment Scholarship
Accounts Program

ORDER OF RULEMAKING

By the authority vested in the state treasurer’s office under section 135.719, RSMo Supp. 2021, the state treasurer’s office adopts a rule as follows:

15 CSR 50-5.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2022 (47 MoReg 322-324). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The state treasurer’s office received three (3) comments on the proposed rule.

COMMENT #1: Staff noted that subparagraph (4)(A)1.D. was not necessary.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer’s office agrees, and this language has been removed, with punctuation updated accordingly.

COMMENT #2: Philip Scott and James Elliott, with the Association of Christian Schools International, ask that the process for applying for the tax credit be modified to remove certain steps.

RESPONSE: The enacting statutes for the program place certain responsibilities on the state treasurer's office pertaining to the tax credit issuance, allocation, and ensuring the scholarships are awarded in the priority order as specified by section 135.714(4), RSMo. The state treasurer's office must be able to monitor the tax credits in real time and also ensure the tax credit is processed through the department of economic development's tax credit system. The application process was developed with the fewest steps possible that would still ensure all statutory requirements are met. No changes to the rule have been made in response to this comment.

COMMENT #3: The Missouri School Boards' Association comments that they are concerned that the rule does not include and repeat all of the provisions found in section 135.713, RSMo.

RESPONSE: The rules do not need to repeat every requirement that is already set forth in statute. No changes have been made to the rule as a result of this comment.

15 CSR 50-5.030 Tax Credit Program

(4) Application Process. Beginning July 1, 2022, and January 1 every year thereafter, a taxpayer may apply for a tax credit by visiting the treasurer's official website and completing the online application for tax credit allocation for contributions to an educational assistance organization.

(A) Application for Tax Credit Reservation.

1. Application. The online application shall require a taxpayer to provide the following:

A. The taxpayer's name, address, and Social Security number or individual taxpayer identification number;

B. The name of the certified educational assistance organization to which the taxpayer intends to contribute; and

C. The amount the taxpayer intends to contribute.

2. Confirmation. Once this application is completed, a taxpayer shall receive an application confirmation that can be printed. The application confirmation only confirms an application for reservation of tax credits; it does not authorize the issuance or use of a tax credit.

3. Donation. The taxpayer shall present the application confirmation and specified contribution to the educational assistance organization designated on the application.

4. Time Limits. A taxpayer has thirty (30) business days after receipt of an application confirmation to make the qualifying contribution to the designated educational assistance organization. After thirty (30) business days, the application expires.

5. Application Review. The educational assistance organization shall submit to the treasurer documentation verifying each qualifying contribution received including the application confirmation and proof of the transfer of funds. The treasurer shall review the application and supporting documentation and if the taxpayer is eligible, shall approve the request on a first come, first served basis.

6. Approval. The treasurer shall send the educational assistance organization a written receipt (tax credit certificate) evidencing the tax credit has been approved. If an application is not approved, the treasurer shall send a written notice that sets forth the reason the tax credit allocation application could not be approved. The educational assistance organization shall provide the receipt to the taxpayer.

Title 15—ELECTED OFFICIALS

Division 50—Treasurer

Chapter 5—Missouri Empowerment Scholarship Accounts Program

ORDER OF RULEMAKING

By the authority vested in the state treasurer's office under section 135.719, RSMo Supp. 2021, the state treasurer's office adopts a rule

as follows:

15 CSR 50-5.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2022 (47 MoReg 325-327). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The state treasurer's office received thirteen (13) comments on the proposed rule.

COMMENT #1: Staff noted that language found in paragraph (2)(A)1. was not authorized by section 135.714.1(8)(a), RSMo.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees; that language has been deleted.

COMMENT #2: Staff noted that subparagraph (2)(A)1.B. inadvertently did not include the provision found in section 135.714.1(5)(b), RSMo.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees; the provision in section 135.714.1(5)(b), RSMo, has been included and the subparagraph renumbered accordingly.

COMMENT #3: Staff noted that subparagraphs (2)(A)1.D. and (2)(A)2.H. were not necessary.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees; this language has been removed, with punctuation updated accordingly.

COMMENT #4: Staff noted that the deadline contained in paragraph (2)(A)2. should be changed from July 1 to August 1, to align with the deadline found in section (3)(A).

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees; this deadline has been changed from July 1 to August 1.

COMMENT #5: Philip Scott and James Elliott, with the Association of Christian Schools International, request that the obligation to make monthly reports of donors, contributions received, and the four percent (4%) remittance be changed to a quarterly report.

RESPONSE: Monthly reporting of contributions received is necessary to ensure the state treasurer's office has accurate information regarding how many tax credits remain to be allocated, so credits may be efficiently reallocated as necessary to allow the maximum possible amount of tax credits to be claimed pursuant to the statute. Monthly remittance of the four percent (4%) should be submitted with that same report. No changes to the rule have been made in response to this comment.

COMMENT #6: The Missouri School Boards' Association comments they are concerned the rule does not specify the audit must be conducted by a certified public accountant.

RESPONSE AND EXPLANATION OF CHANGE: The rules have been modified to make clear any audit must be performed by a certified public accountant as required by section 135.714.1(8)(1), RSMo.

COMMENT #7: The Missouri School Boards' Association comments that paragraph (2)(A)1. extensions to the deadline in which to submit annual audited financial statements are not authorized by statute.

RESPONSE AND EXPLANATION OF CHANGE: This provision is unnecessary and has been removed from the rule.

COMMENT #8: The Missouri School Boards' Association comments

the provision found in section 135.714.1(5)(b) was omitted from the rules.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees, the provision in section 135.714.1(5)(b), RSMo, has been included and the remainder of the section renumbered accordingly.

COMMENT #9: The Missouri School Boards' Association recommends the list of information collected in subparagraph (2)(A)2.C. should include the amount of donations that meet the definition of "qualifying contributions."

RESPONSE: The statute uses the word "contributions" in this area, rather than "qualifying contributions" and the statute uses the terms "contributions" and "qualifying contributions" interchangeably. The state treasurer's office interprets this use of the term "contributions" as "qualifying contributions." No changes have been made to the rule in response to this comment.

COMMENT #10: The Missouri School Boards' Association comments that subparagraph (2)(A)3.C. extensions to the deadline in which to submit annual audited financial statements are not authorized by statute.

RESPONSE AND EXPLANATION OF CHANGE: This provision is unnecessary and has been removed from the rule.

COMMENT #11: The Missouri School Boards' Association comments that they do not understand how a designated third party could know how account funds are being used.

RESPONSE: The designated third party referenced here would likely be a financial management or eligibility determination vendor used by an educational assistance organization. The rule is designed to give the state treasurer's office authority to conduct a review of records of expenses that are maintained either by an educational assistance organization, or a third party vendor with which the state treasurer's office or educational assistance organization contracts to maintain account records. No changes have been made to the rule in response to this comment.

COMMENT #12: The Missouri School Boards' Association recommends the state treasurer's office remove limiting language on review of accounts in subsection (2)(C), and instead replace it with the expansive language they have proposed

RESPONSE: The state treasurer's office crafted the account review procedures to carefully balance program integrity with student and family privacy. The proposed account review procedures accomplish this goal. The proposed account review procedures provide sufficient oversight of the scholarship accounts and comply with the requirements of section 166.710.4(1) and (2), RSMo. No changes have been made to the rule in response to this comment.

COMMENT #13: Staff commented that the other reporting provisions contained in paragraph (2)(A)2. should be moved to a separate section to eliminate confusion with the annual audit provisions.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees. Paragraph (2)(A)2. has been renumbered as subsection (3)(E); the intersectional reference in the former subparagraph (2)(A)3.B. has been renumbered, and the remaining subsections have been renumbered accordingly.

15 CSR 50-5.040 Audits and Reporting Requirements

(2) Audits.

(A) Annual Audited Financial Statements.

1. Annual Audited Financial Statements. The annual financial statements audit required by section 135.714, RSMo, shall be prepared by a certified public accountant and submitted to the treasurer within six (6) months after the close of the educational assistance organization's fiscal year and shall include the following information:

A. The name and address of the educational assistance organization;

B. Annual financial accounting to show—

(I) One hundred percent (100%) of its revenues from interest or investments is spent on scholarship accounts;

(II) At least ninety percent (90%) of its revenues from qualifying contributions is spent on scholarship accounts; and

(III) Marketing and administrative expenses do not exceed the thresholds established in section 135.714.1(5)(c), RSMo; and

C. An auditor's report on program compliance, based on a random sampling of accounts, with regard to use of student account funds for eligible program expenses.

2. Requirements for Educational Assistance Organizations.

A. The educational assistance organization is responsible for preparing and providing financial information to be included in the annual financial statements audit. The educational assistance organization shall maintain adequate accounting records for that purpose.

B. The educational assistance organization shall engage an independent auditor to conduct the audit. The treasurer does not recommend, select, or approve the educational assistance organization's auditor or the auditor's fee, except as provided in 15 CSR 50-5.040(2)(A)2.C. The educational assistance organization is responsible for fulfilling all contractual obligations with the auditor, including payment of all earned fees.

C. The educational assistance organization shall file a copy of the completed audit report with the treasurer within six (6) months after the close of the educational assistance organization's fiscal year. If any audit report fails to comply with promulgated rules, the treasurer shall notify the educational assistance organization and specify the defects. If the specified defects remain uncorrected after ninety (90) days from the date of the treasurer's notice to the organization, or if a copy of the required audit report has not been received by the treasurer within the specified time, the treasurer shall make, or cause to be made, the required audit at the expense of the educational assistance organization.

3. Standards for Auditing and Financial Reporting.

A. The independent auditor shall meet all requirements of Chapter 326, RSMo, and the code of professional ethics and rules of conduct promulgated by the Missouri State Board of Accountancy.

B. The audit shall conform to generally accepted auditing standards (GAAS) promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants.

C. All audits shall conform to the standards (hereafter referred to as "generally accepted government auditing standards") established by the Comptroller General of the United States and applicable to financial audits of government entities, programs, activities, and functions.

D. The contents of the financial statement audit report shall be presented in conformity with generally accepted accounting principles. If the financial statement audit report is not presented in conformity with generally accepted accounting principles, then the independent auditor shall make appropriate audit report modifications and disclosures. The auditor shall certify the report is free of material misstatements.

E. Nothing in the rules promulgated for audits of certified educational assistance organizations shall be construed as restricting, limiting, or relieving the independent auditor of his or her professional judgment or responsibility.

(3) Reporting Requirements.

(E) Other Reporting. The following information shall be submitted by August 1, regardless of an educational assistance organization's fiscal year, for the preceding calendar year, unless granted an extension by the treasurer:

1. The name and address of the educational assistance organization;

2. The name and address of each qualified student for whom a parent opened a scholarship account with the organization;

3. The total number and total dollar amount of contributions received during the previous calendar year;
4. The total number and total dollar amount of scholarship accounts opened during the previous calendar year;
5. The total dollar amount spent on marketing and administrative expenses during the previous calendar year;
6. The total dollar amount remitted to the division for administrative costs during the previous calendar year; and
7. The total dollar amount of revenue from interest or investments during the previous calendar year.

Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 5—Missouri Empowerment Scholarship
Accounts Program

ORDER OF RULEMAKING

By the authority vested in the state treasurer's office under section 135.719, RSMo Supp. 2021, the state treasurer's office adopts a rule as follows:

15 CSR 50-5.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2022 (47 MoReg 328-331). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The state treasurer's office received thirty-eight (38) comments on the proposed rule.

COMMENT #1: Laura Bequette, a parent of a child attending private school, inquired whether transportation costs for mileage to and from tutoring, therapies, summer education, and specialized after-school education programs would be eligible expenses under the program.
RESPONSE: The limitation on transportation costs only for mileage to or from a qualified school is set by statute and cannot be changed without changes to the statute.

COMMENT #2: Laura Bequette, a parent of a child attending private school, commented that a parent's transportation costs for mileage to and from a qualified school should be an allowable expense even where the school is on the path to or from the parent's employment location.
RESPONSE: Payments or reimbursements to any person related within the third degree of consanguinity or affinity to a qualified student, such as a parent, are prohibited by the statute and cannot be changed without changes to the statute.

COMMENT #3: Staff noted that some of the language in subsection (2)(A) should be clarified, and other language was unnecessary and should be removed.
RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and has modified the language and deleted the unnecessary language.

COMMENT #4: The Missouri School Boards' Association noted that paragraph (3)(A)3. is unnecessary.
RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and has deleted that section.

COMMENT #5: Staff noted that subsection (3)(C) contained language that was unnecessary.
RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and that language was deleted.

COMMENT #6: Staff noted that paragraph (3)(J)3. was unnecessary.
RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and that language was removed.

COMMENT #7: Staff noted that subsection (3)(L) needed additional language to provide clarification.
RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and has added clarifying language.

COMMENT #8: Staff noted that subsection (5)(B) should also include instances where a parent is disabled.
RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and has modified the language to include when a parent becomes disabled.

COMMENT #9: Staff noted that section (6) contained language that was not necessary and needed clarifying language regarding computer devices.
RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and has removed the unnecessary language and included clarifying language regarding computer devices.

COMMENT #10: Staff noted that subsection (15)(A) contains unnecessary language, and subsection (15)(C) should authorize the state treasurer to direct a suspended, revoked, or otherwise barred educational assistance organization to transfer unspent funds directly to another educational assistance organization in good standing, when necessary.
RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and has deleted the unnecessary language, and included additional language to authorize the state treasurer to direct a transfer when necessary.

COMMENT #11: Philip Scott and James Elliott, with the Association of Christian Schools International, request that the approval process for eligible students be modified to account for instances where a student may qualify, but an educational assistance organization may not have enough funds to provide a scholarship award.
RESPONSE AND EXPLANATION OF CHANGE: The language in subsection (3)(C) has been modified to authorize a conditional approval pending funding.

COMMENT #12: Philip Scott and James Elliott, with the Association of Christian Schools International, noted that requiring a surety bond could be an undue expense for nonprofits.
RESPONSE: The statute requires an educational assistance organization to demonstrate its financial viability by filing a surety bond or other financial information that demonstrates financial viability. The rule specifies that an educational assistance organization may pledge collateral in an amount determined by the treasurer to demonstrate financial viability, in lieu of filing a surety bond. No changes to the rule have been made in response to this comment.

COMMENT #13: Philip Scott and James Elliott, with the Association of Christian Schools International, commented that there is a potential for an educational assistance organization to not be recertified, and therefore need a mechanism to transfer unspent funds and/or scholarship accounts to a certified educational assistance organization that is in good standing.
RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees; the rule has been modified to include instances when an educational assistance organization may no longer be in the program for reasons unrelated to wrongdoing; subsection (15)(C) has been renumbered to section (16), and the remaining subsections renumbered accordingly.

COMMENT #14: Philip Scott and James Elliot, with the Association

of Christian Schools International, requests that educational assistance organizations be allowed to transfer funds between each other in the event such a transfer could fully fund one scholarship.

RESPONSE: Educational assistance organizations transferring money to one another will complicate the reporting requirements and complicate the tracking of the funds. Excess funds may carryover from one year to the next year, and be awarded to a student the following year. No changes to the rule have been made as a result of this comment.

COMMENT #15: Philip Scott and James Elliot, with the Association of Christian Schools International, requested that if an eligible student relocates to another part of the state, the student be allowed to transfer their scholarship account to a different certified educational assistance organization if necessary.

RESPONSE: The rules do not prohibit an eligible student from transferring their scholarship account to a different certified educational assistance organization. No changes have been made to the rule in response to this comment.

COMMENT #16: Philip Scott and James Elliot, with the Association of Christian Schools International, request that families that are dropped from the educational assistance organization, through no fault of their own, be given priority status should they reapply.

RESPONSE: The statute sets forth which students shall receive priority and provides no authority to give priority status to participants that are dropped from the program. No changes have been made to the rule in response to this comment.

COMMENT #17: The Missouri School Boards' Association asserts that an educational assistance organization must allocate all of its annual revenue for educational assistance and that 501(c)(3) status is not sufficient to meet the requirement that an educational assistance organization be a charitable organization.

RESPONSE: Section 135.712.2(1), RSMo, specifies that an educational assistance organization must allocate all of its annual revenue, *derived from contributions for which a tax credit is claimed*, for educational assistance. Revenue from any other source is not regulated by the terms of section 135.712.2(1), RSMo. The state treasurer's office does not recognize a distinction between "charitable organizations" and "501c3" organizations. No changes to the rule have been made in response to this comment.

COMMENT #18: The Missouri School Boards' Association suggests the rules should prohibit an educational assistance organization from having an affiliation with a particular school or school system, or from receiving contributions from a particular school or school system.

RESPONSE: This recommendation is contrary to the intent of the statute and the statutory structure of the program. The language proposed by MSBA would place unnecessary restrictions on educational assistance organizations that will result in fewer options for qualifying students. No changes to the rule have been made in response to this comment.

COMMENT #19: The Missouri School Boards' Association comments that the rules should prohibit any relatives of an educational assistance organization's president, officers, or directors from receiving a scholarship account.

RESPONSE: The rules prohibit an educational assistance organization from providing a scholarship account to a child of a member of its board, the president, officers, director, or any employee of the educational assistance organization. Disqualifying a student from participation in the program based on the employment of someone not within their immediate family is overly restrictive and unfair to students attempting to access the program who have no control over the employment decisions of their extended family members. No changes to the rules have been made in response to this comment.

COMMENT #20: The Missouri School Boards' Association suggests that the provision in section 135.713.4, RSMo, should be repeated in the rule.

RESPONSE: The rules do not need to repeat every requirement that is already set forth in statute. No changes have been made to the rule as a result of this comment.

COMMENT #21: The Missouri School Boards' Association comments that individuals should not be required to provide their social security number or individual tax identification number to participate in the program.

RESPONSE AND EXPLANATION OF CHANGE: Participation in the Missouri Empowerment Scholarship program is completely voluntary, no Missouri student is required to submit their social security number, or for that matter, participate in the program. Social security numbers will be utilized for student identification and department of elementary and secondary education funding purposes only, and are critical for students without a Missouri Student Information System (MOSIS) ID. Students entering kindergarten and those who have not previously enrolled in a public school will not have a MOSIS ID. The state treasurer's office agrees that an explanation for the request is reasonable, and will add said explanation to the proposed rule.

COMMENT #22: The Missouri School Boards' Association comments that the phrase "Missouri resident" needs to be defined.

RESPONSE: The criteria for student eligibility are clearly spelled out in the governing statute, including, but not limited to, the requirement that a student not only reside in Missouri, but reside in certain Missouri counties and cities. The phrase "Missouri resident" does not need to be defined. By its plain meaning, it means a person, who lives within the borders of the state of Missouri. The entire statute does not need to be reprinted in the regulations. No changes to the rule have been made in response to this comment.

COMMENT #23: The Missouri School Boards' Association asserts that requiring a Social Security number or individual taxpayer identification number discriminates based on national origin.

RESPONSE: An individual tax identification number is a tax processing number available for certain nonresident and resident aliens with lawful immigration status, and their dependents, who cannot get a Social Security number. The acceptance of an individual tax identification number was specifically included to provide for those individuals who cannot otherwise obtain a valid Social Security number. No changes to the rule have been made in response to this comment.

COMMENT #24: The Missouri School Boards' Association asserts the participation agreement should be submitted for public comment.

RESPONSE: The participation agreement is described in detail within the governing statute. For this reason, the state treasurer's office disagrees that details of the agreement need to be reprinted in state regulation. No changes have been made to the rule as a result of this comment.

COMMENT #25: The Missouri School Boards' Association suggests that they believe educational assistance organizations are subject to the sunshine law and participation agreements should be distributed within three business days.

RESPONSE: The Missouri School Board Association misstates and misunderstands the sunshine law. State regulations cannot curtail the requirements contained in Chapter 610, RSMo. No changes to the rule have been made in response to this comment.

COMMENT #26: The Missouri School Boards' Association comments that the rules should require parents of students under the age of 18 to provide any school records required to an educational assistance organization when requested.

RESPONSE: Parents already have access to the school records of children under the age of 18; when a student reaches the age of 18,

the rights under FERPA transfer from the parent to the student, and parents may no longer have access to the student's school records. The participation agreement referenced by the governing statute will include requirements that subject parents to information sharing for students under the age of 18, therefore this addition is not necessary. No changes to the rule have been made in response to this comment.

COMMENT #27: The Missouri School Boards' Association comments that FBI background checks should be conducted on all educational assistance organization employees

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office has crafted background check procedures to carefully balance student safety and the safety of taxpayer funds with bureaucratic burden. The state treasurer's office has modified the rule to apply the FBI background check requirement to any educational assistance organization employee with access to the organization's bank accounts or accounting systems.

COMMENT #28: The Missouri School Boards' Association comments that no employee or officers of educational assistance organizations should be listed on the sex offender registry.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and this was always the intent of the rule. Additional language has been included to make it clear that educational assistance organizations shall not have an employee or officer who is listed on the sex offender registry.

COMMENT #29: The Missouri School Boards' Association asserts that the educational assistance organizations should be required to adopt the same investment policy as political subdivisions are required to adopt.

RESPONSE: To ensure the safety and preservation of scholarship funds, the Missouri Empowerment Scholarship Investment Policy is more conservative than the investment policies adopted by political subdivisions. The state treasurer's office has created an investment policy specifically tailored to the program and the needs and capabilities of educational assistance organizations. No changes to the rule have been made in response to this comment.

COMMENT #30: The Missouri School Boards' Association suggests the surety bond should be in the name of "State of Missouri" rather than "Missouri State Treasurer," that the amount of collateral pledged should be specified, and that no extensions for delivery of these items should be allowed.

RESPONSE: As the state office responsible for the daily collateralization of billions of dollars, the state treasurer's office is well-versed in collateralization, financial viability, and the protection of state taxpayer dollars. As the sole depository agent for the state of Missouri, the terms "Missouri State Treasurer" and the "State of Missouri" can be used interchangeably. The timeline laid out in the rules is not in conflict with the statutory provision "before the start of the school year" and MSBA seems to misunderstand the timeline. The proposed regulations require the surety bond and/or collateral to be produced within 30 days of an educational assistance organization's certification, unless granted an extension by the state treasurer's office. Since an educational assistance organization may be certified more than six months before the beginning of a school year, the proposed regulation and the statute are not in conflict. No changes to the rule have been made in response to this comment.

COMMENT #31: The Missouri School Boards' Association comments that the rules should require all program participants to take the same state assessments required of public school students.

RESPONSE: The governing statute explicitly allows "state achievement tests or nationally norm-referenced tests." By ignoring the second part of this provision, the MSBA proposal would violate the statute. No changes to the rule have been made in response to this comment.

COMMENT#32: The Missouri School Boards' Association comments that paragraph (6)(B)1. contains a typo in the statutory reference.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees; the typo in the citation found in paragraph (6)(B)1. has been corrected.

COMMENT #33: The Missouri School Boards' Association comments that paragraph (6)(B)4. should be clarified to make clear it applies to facilities that are providing care for less than six (6) children.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees; the language has been modified to clarify it applies to facilities providing care for less than six (6) children.

COMMENT #34: The Missouri School Boards' Association comments that "summer education programs" should be defined in the rules.

RESPONSE AND EXPLANATION OF CHANGE: The state treasurer's office agrees and has included a definition of "summer education programs" as suggested.

COMMENT #35: The Missouri School Boards' Associations comments that the phrase "signature guarantee" is confusing and they do not understand that term.

RESPONSE AND EXPLANATION OF CHANGE: A signature guarantee is a signature authentication provided by a financial institution. The state treasurer's office has changed the signature verification to an acknowledgement by a notary, as those terms are defined in section 486.600, RSMo.

COMMENT #36: The Missouri School Boards' Associations comments that subsection (9)(B) is repetitive.

RESPONSE: The state treasurer's office disagrees, removing this provision from either rule would make the rules less transparent and more difficult to comprehend. No changes to the rule have been made in response to this comment.

COMMENT #37: The Missouri School Boards' Association comments that an educational assistance organization should not be "suspended," but only "revoked" permanently.

RESPONSE: The state treasurer's office disagrees that the only tool available is a permanent revocation, with no possibility for reinstatement. Reinstatement would never be guaranteed and past performance and actions would be strongly considered when determining whether to recertify any educational assistance organization that has previously been suspended. No changes to the rule have been made in response to this comment.

COMMENT #38: The Missouri School Boards' Association comments they are concerned subsection (15)(A), specifying when the state treasurer's office may turn information over to law enforcement, conflicts with the sunshine law, and that the phrase "treasurer's work product" has no authority.

RESPONSE AND EXPLANATION OF CHANGE: The rule specifying when information will be disclosed to law enforcement has no impact on the provisions found in Chapter 610, RSMo. The phrase "treasurer's work product" is unnecessary and has been removed from the rule.

15 CSR 50-5.050 Educational Assistance Organizations

(2) Requirements.

(A) Qualifications of Educational Assistance Organizations. The following are the qualifications and requirements necessary for an educational assistance organization to be eligible for certification by the treasurer to participate in the program:

1. An educational assistance organization shall demonstrate it is

exempt from federal income tax under section 501(c)(3) of the *Internal Revenue Code* of 1986, as amended;

2. No educational assistance organization that has been through a Chapter 7 or Chapter 11 bankruptcy in the seven (7) years immediately preceding application for certification shall be qualified to be certified as an educational assistance organization;

3. Financial viability shall be demonstrated by an educational assistance organization's most recent year audited financial statements, Form 990, or other financial records as determined by the treasurer;

4. An educational assistance organization shall not have a president, officers, or director who owns or operates a qualified school that is participating in the program;

5. An educational assistance organization shall not provide a scholarship account to a child of: a member of its board, including the president, officers, director or, an employee of the educational assistance organization; and

6. An educational assistance organization shall comply with the provisions of section 285.530, RSMo.

(3) Program Participation.

(A) Qualified Student Eligibility. A Missouri resident who is a qualified student designated as a beneficiary in a participation agreement may be a recipient of an Empowerment Scholarship Account grant. A parent that obtains a scholarship account shall provide the valid Social Security number or individual taxpayer identification number and address in the United States of the beneficiary of the applicable scholarship account. Social Security numbers will be utilized for student identification and Department of Elementary and Secondary Education funding purposes. A qualified student shall only be the beneficiary of one (1) scholarship account administered by the program.

1. Within thirty (30) days of the United States Department of Agriculture publishing in the *Federal Register* the income eligibility guidelines to be used in determining eligibility for free and reduced price meals under the National School Lunch Program and the School Breakfast Program, the treasurer shall publish the program's income eligibility guidelines on the treasurer's official website.

2. Household income shall be determined using the eligibility criteria for free and reduced price meals under the National School Lunch Program and the School Breakfast Program.

(C) Participation Agreements. To participate in the program, a prospective parent shall submit a completed qualified student application and participation agreement to an educational assistance organization that has approved the qualified school the student will attend by the deadline established by the treasurer. Educational assistance organizations shall accept rolling admissions into the program. Within thirty (30) days of receipt of a completed qualified student application and participation agreement, the educational assistance organization shall notify the parent in writing that the application is approved, granted conditional approval pending funding, or denied, in accordance with the criteria set forth in section 166.700(8), RSMo, unless granted an extension by the treasurer. The participation agreement shall provide that the parent (and any successor account owner) will retain oversight over payments made under the program and for the benefit of the beneficiary designated by such parent (or the successor account owner). Only one (1) parent and one (1) beneficiary is permitted per scholarship account. Each participation agreement shall provide that the participation agreement may be cancelled upon the terms and conditions set forth therein.

1. Agreement. The treasurer shall prescribe the form and content of the program participation agreement.

2. Withdrawal. A parent may cancel a participation agreement and withdraw a qualified student from the program at any time by submitting to the educational assistance organization a written notice to terminate the participation agreement in such form as the treasurer may specify. A parent and a beneficiary of a cancelled participation agreement shall continue to be subject to the terms and conditions of

the program during any term of schooling in which tuition was paid for using scholarship grant funds. The qualified student's scholarship account shall be closed and any remaining funds shall be returned to the educational assistance organization for redistribution to other qualified students.

3. Copy of Agreement to Parent. Upon request by a parent, the educational assistance organization shall provide the parent with a copy of the participation agreement executed by the parent, mailed within ten (10) business days of receipt of the parent's request.

4. FERPA and Age 18. Any eligible student that attains the age of eighteen (18) while still enrolled in qualified school that is subject to the provisions of the Family Educational Rights and Privacy Act (FERPA) shall provide any school records to an educational assistance organization or the treasurer when requested. Failure of the eligible student to provide school records as requested by an educational assistance organization or the treasurer shall result in the immediate suspension of the eligible student's scholarship account and may result in the eligible student being required to reimburse the educational assistance organization for any program funds expended for the benefit of the eligible student during the term in which the scholarship was suspended. Any such funds that are reimbursed to an educational assistance organization shall be redistributed to other qualified students.

(E) Background Checks.

1. An educational assistance organization shall conduct a review of criminal history records maintained by the Missouri State Highway Patrol in the Missouri criminal records repository of all operators, directors, executives, board members, and employees and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds or who is listed on the sex offender registry. Any such criminal background check shall be provided to the treasurer upon request.

2. An educational assistance organization shall conduct a review of criminal history records maintained by the Federal Bureau of Investigation of any employee who has signatory authority on any educational assistance organization bank account or who has access to the accounting system of the educational assistance organization, and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds. Any such criminal background check shall be provided to the treasurer upon request.

(J) Parental Satisfaction Survey. No later than March 1, an educational assistance organization shall distribute the annual parental satisfaction survey to all parents with whom the organization has a current participation agreement. The treasurer shall prepare and maintain the form of the annual parental satisfaction survey which shall include questions written to obtain the following information:

1. A parent's level of satisfaction with the child's academic achievement, including academic achievement at the school the child attends through the scholarship program versus academic achievement at the school previously attended; and

2. A parent's level of satisfaction with school safety at the school the child attends through the scholarship program versus safety at the school previously attended.

(L) Readiness. Prior to being allocated any tax credits, an educational assistance organization must demonstrate to the treasurer's satisfaction, by providing the readiness information requested in the application to be certified, that it is able to begin granting scholarships for the upcoming school year.

(5) Changes of Designated Parent. A parent may transfer ownership of an account to another parent eligible to oversee the account under the provisions of the statute and this rule, and upon receipt of a request for change of account ownership that satisfies the criteria set forth in this section, the transferee shall be considered the parent for all purposes related to the program.

(B) Designation of successor account authority. Any parent may designate a successor account owner for his or her account, to

become the sole authority of the account automatically upon the death or disability of such parent. Prior to the initial action taken by the successor account owner following the death or disability of the parent, the successor account owner shall provide the educational assistance organization a certified copy of a death certificate sufficiently identifying said deceased parent by name and Social Security number or taxpayer identification number, or such other proof of death as is recognized under applicable law, or shall provide sufficient proof of disability. The successor account owner shall provide any other documentation requested to establish he or she satisfies the definition of "parent" as that term is defined in section 135.712.2(2), RSMo.

(6) Payment of Expenses.

(A) Qualified Expenses. A parent may request a qualified withdrawal from his or her account by submitting a completed request for a qualified withdrawal to the educational assistance organization in such form as the treasurer may specify from time to time.

(B) Limitation on Expenses.

1. The annual expenses for any one category set forth in section 166.705.1(4), RSMo, may be limited by the treasurer from time to time. If the treasurer limits the annual expenses for any one category, those limitations shall be communicated to the educational assistance organizations no later than July 1 for the following school year.

2. Mileage Limitation. Mileage reimbursement shall not exceed the state mileage reimbursement rate authorized by section 33.095, RSMo.

3. Computer Devices. Expenses for computer hardware and other technological devices shall be limited to a single computer device per student every three (3) years, unless otherwise pre-approved by the educational assistance organization as a necessary educational resource, including assistive devices and accessible educational hardware and materials. Smartphones are specifically excluded from this category of expenses.

4. Specialized After-School Education Program. A specialized after-school education program is any after-school program that provides services during non-school hours to support student learning, including tutoring, homework help, and other academic enrichment, such as hands-on math, reading/language arts, and science programs. Specialized after-school education programs do not include child care provided by a child-care facility, as that term is defined in section 210.201(3), RSMo, or any child care provided by a person or facility that is providing care to six (6) or less children.

5. Summer Education Programs. A summer education program is any educational program that occurs outside the regular school term during the months of June, July, and August that provides services to support student learning, including tutoring, homework help, credit recovery, and other academic enrichment, such as hands-on math, reading/language arts, and science programs. Summer education programs do not include child care provided by a child-care facility, as that term is defined in section 210.201(3), RSMo, or any child care provided by a person or facility that is providing care to six (6) or less children.

(7) Distribution Limitations. No distributions shall be made within thirty (30) days of receipt by the board of a completed change of parent form or request to change the mailing address of the parent, unless the current parent's signature has an acknowledgement by a notary on the request.

(15) Non-Compliance or Fraud.

(A) Revocation. The treasurer may revoke the certification of any educational assistance organization that is found to be in non-compliance with applicable state laws and regulations. If the treasurer receives information, directly or indirectly, which gives the treasurer reason to believe an educational assistance organization has intentionally and substantially failed to comply with the provisions of sections 135.712 to 135.719, RSMo, and 166.700 to 166.720, RSMo,

promulgated rules, or any other provision of law, the treasurer may suspend the certification of such educational assistance organization. In such a case, the treasurer shall notify the educational assistance organization in writing of the grounds for the proposed suspension of certification and provide the organization an opportunity to respond to the allegations in writing or, upon request, through a hearing conducted in accordance with the provisions of Chapter 536, RSMo. Suspension of an educational organization's certification by the treasurer shall not be a prerequisite nor a substitute for any other civil or criminal causes of action to which such organization may otherwise be subject, but is in addition to such possible remedies. Any information obtained or compiled by the treasurer in determining whether to suspend a certification may be disclosed to appropriate law enforcement agencies, in any investigation, action or proceeding, civil or criminal, brought by a governmental agency to enforce the laws of this state or upon court order in any action or proceeding where such information is material to an issue in the action or proceeding. After a twelve (12) month waiting period, any educational assistance organization whose certification has been suspended may thereafter seek to be re-certified in accordance with the applicable laws governing certification.

(16) Unspent Balance. Any educational assistance organization that does not apply for recertification following a year in which they were previously certified, or whose certification is suspended, revoked, or otherwise not renewed by the treasurer, shall immediately notify the state treasurer's office of the amount of the unspent balance. The state treasurer's office shall direct the educational assistance organization to either distribute the unspent funds to other specified educational assistance organizations in good standing, or to return any unspent balance to the treasurer for redistribution to educational assistance organizations in good standing.

(17) Number of Certified Educational Assistance Organizations. The treasurer shall limit the number of certified educational assistance organizations to no more than ten (10) in any single school year, with no more than six (6) having their principal place of business in any one (1) of the following entities: Greene County, Jackson County, St. Charles County, St. Louis County, or St. Louis City. An educational assistance organization will be evaluated based on experience, geographic coverage pertaining to eligible students it can serve, readiness to award scholarship grants, and the organization's anticipated administrative expenses. All decisions regarding certification are final.

(18) Severability. If any provision of this rule, or the application of it to any person or circumstance, is determined to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this rule which can be given effect without the invalid provision or application, and to that end, the provisions of this rule are severable.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

**NOTICE OF DISSOLUTION OF CORPORATION
TO ALL CREDITORS OF AND CLAIMANTS
AGAINST A.F.I. INVESTMENT COMPANY**

On April 18, 2022, A.F.I. Investment Company, a Missouri corporation ("Company"), filed its Articles of Dissolution with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against the Company, you must submit a written claim to Alexia Quadrani, 1111 Park Avenue, Apt. 12D, New York, New York 10128. Each claim must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date the event on which the claim is based occurred; whether the claim is secured, and if so, the nature of the security; and documentation of the claim. **ALL CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED AGAINST THE COMPANY WITHIN TWO (2) YEARS AFTER THE PUBLICATION OF THIS NOTICE.**

**NOTICE OF DISSOLUTION
OF
MISSOURI PHARMACY SERVICES CORPORATION**

Effective April 29, 2022, MISSOURI PHARMACY SERVICES CORPORATION, a Missouri corporation (the "Corporation"), was dissolved pursuant to the voluntary filing of its Articles of Dissolution with the Missouri Secretary of State.

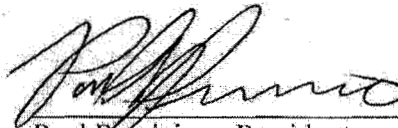
The Corporation requests that all persons or organization who have claims against the Corporation present them immediately to the below indicated address:

MISSOURI PHARMACY SERVICES CORPORATION
c/o Husch Blackwell LLP
235 East High Street, P.O. Box 1251
Jefferson City, MO 65101-1251
Attn: Tom Vaughn, Esq.

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: BECAUSE OF THE DISSOLUTION OF THE CORPORATION, ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIMS IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION DATE OF WHICHEVER OF THE NOTICES AUTHORIZED BY STATUTES IS PUBLISHED LAST.

**MISSOURI PHARMACY SERVICES
CORPORATION**
a Missouri corporation


Paul Perniciaro, President

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
INFICENTER, LLC**

On May 3, 2022, Inficenter, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Julie T. Brown, Esq., Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against the Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
COMMUNITY MANOR, LLC**

On May 6, 2022, Community Manor, LLC, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Community Manor, LLC, requests that all persons and organizations who have claims against it present them immediately by letter to Community Manor, LLC, 111 Old Orchard Rd, Bonne Terre MO 63628.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof, and (e) whether or not the claim was secured and, if so, the collateral used as security.

All claims against Community Manor, LLC, will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED
LIABILITY COMPANY TO ALL
CREDITORS OF AND ALL CLAIMANTS
AGAINST LFBP HOLDINGS, LLC**

On April 18, 2022, LFBP HOLDINGS, LLC, a Missouri limited liability company (the "Company") filed a notice of winding up with the Missouri Secretary of State. Claims against the Company should be mailed to LFBP Holdings, LLC, Attn: Luke Reinkemeyer, 83 Highway FF, Eldon, Missouri 65026. All claims must include the following information:

1. Name and address of the claimant;
2. The amount of the claim;
3. Basis for the claim; and
4. Documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication date of the notices authorized by statute.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
JOHN CAGE ENTERPRISES, INC.**

On August 23, 2021, John Cage Enterprises, Inc., a Missouri corporation, (the "Company"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

All persons and organizations who have claims against the Company should mail such claims by letter to: Greensfelder, Hemker & Gale, P.C., Attn: David Zobel, 10 S. Broadway, Suite 2000, St. Louis, MO 63102.

All claims must include: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; 5) documentation of claim; and 6) if the claim is secured, and if so, the collateral used as security.

NOTICE: all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two years after the date of publication of this notice, pursuant to the provisions of Section 355.701 RSMo.

**NOTICE OF DISSOLUTION
To All Creditors and Claimants Against
HSAC REAL ESTATE HOLDINGS, LLC
a Missouri Limited Liability Company**

On April 28, 2022, HSAC REAL ESTATE HOLDINGS, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. The effective date of the Company's dissolution and commencement of winding up of its business was that date.

HSAC REAL ESTATE HOLDINGS, LLC requests that all persons who have claims against the Company present them immediately by letter to HSAC REAL ESTATE HOLDINGS, LLC, 6230 Regina Road, Hillsboro, Missouri 63050.

All claims must include the following: the name and address of the claimant; the amount claimed; the basis of the claim; and documentation of the claim.

Pursuant to Section 347.141 of the Revised Statutes of Missouri, as amended, any claim against HSAC REAL ESTATE HOLDINGS, LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
JCK-TGK, LLC**

JCK-TGK, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on May 16, 2022. Any and all claims against JCK-TGK, LLC may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; and (iv) documentation of the claim. A claim against JCK-TGK, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—46 (2021) and 47 (2022). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				45 MoReg 1926
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		47 MoReg 225		
1 CSR 40-1.050	Purchasing and Materials Management		47 MoReg 549		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health	47 MoReg 221	47 MoReg 231	This Issue	
2 CSR 60-4.110	Grain Inspection and Warehousing		This Issue		
2 CSR 60-5.100	Grain Inspection and Warehousing		This Issue		
2 CSR 90-60.020	Weights, Measures and Consumer Protection		47 MoReg 231	47 MoReg 786	
2 CSR 90-60.030	Weights, Measures and Consumer Protection		47 MoReg 231	47 MoReg 786	
2 CSR 90-61.010	Weights, Measures and Consumer Protection		47 MoReg 232	47 MoReg 786	
2 CSR 90-63.010	Weights, Measures and Consumer Protection		47 MoReg 232	47 MoReg 786	
2 CSR 90-63.020	Weights, Measures and Consumer Protection		47 MoReg 233	47 MoReg 787	
2 CSR 90-64.010	Weights, Measures and Consumer Protection		47 MoReg 235	47 MoReg 787	
DEPARTMENT OF CONSERVATION					
3 CSR 10-7.433	Conservation Commission		This Issue		
3 CSR 10-7.440	Conservation Commission			47 MoReg 634	
3 CSR 10-7.450	Conservation Commission		47 MoReg 67	47 MoReg 635	
3 CSR 10-7.705	Conservation Commission			47 MoReg 636	
3 CSR 10-7.710	Conservation Commission			47 MoReg 637	
3 CSR 10-7.900	Conservation Commission			47 MoReg 637	
3 CSR 10-7.905	Conservation Commission			47 MoReg 637	
3 CSR 10-8.510	Conservation Commission		47 MoReg 68	47 MoReg 638	
3 CSR 10-8.515	Conservation Commission		47 MoReg 118	47 MoReg 639	
3 CSR 10-12.109	Conservation Commission		47 MoReg 475		
3 CSR 10-12.110	Conservation Commission		47 MoReg 475		
3 CSR 10-12.115	Conservation Commission		47 MoReg 476		
3 CSR 10-12.125	Conservation Commission		47 MoReg 477		
3 CSR 10-12.135	Conservation Commission		47 MoReg 478		
3 CSR 10-12.140	Conservation Commission		47 MoReg 478		
3 CSR 10-12.145	Conservation Commission		47 MoReg 482		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.110	Division of Learning Services		46 MoReg 2242	47 MoReg 582	
5 CSR 20-100.130	Division of Learning Services		47 MoReg 412		
5 CSR 20-100.140	Division of Learning Services		47 MoReg 413R		
5 CSR 20-100.210	Division of Learning Services		47 MoReg 550		
5 CSR 20-200.265	Division of Learning Services		47 MoReg 68	47 MoReg 747	
5 CSR 20-200.310	Division of Learning Services <i>formerly 5 CSR 20-500.330</i>		47 MoReg 69	47 MoReg 747	
5 CSR 20-300.110	Division of Learning Services			47 MoReg 747	
5 CSR 20-400.210	Division of Learning Services		46 MoReg 1956	47 MoReg 505	
5 CSR 20-400.230	Division of Learning Services		46 MoReg 2242	47 MoReg 582	
5 CSR 20-400.260	Division of Learning Services		46 MoReg 1956	47 MoReg 505	
5 CSR 20-400.410	Division of Learning Services		46 MoReg 2245R	47 MoReg 583R	
5 CSR 20-400.660	Division of Learning Services		46 MoReg 2245	47 MoReg 584	
5 CSR 20-400.670	Division of Learning Services		46 MoReg 2247	47 MoReg 584	
5 CSR 20-500.250	Division of Learning Services		47 MoReg 780		
5 CSR 20-500.330	Division of Learning Services <i>moved to 5 CSR 20-200.310</i>		47 MoReg 69	47 MoReg 747	
5 CSR 25-300.010	Office of Childhood		46 MoReg 2130	47 MoReg 506	
5 CSR 25-300.030	Office of Childhood		46 MoReg 2131R	47 MoReg 506R	
5 CSR 25-300.070	Office of Childhood		46 MoReg 2131	47 MoReg 506	
5 CSR 25-300.080	Office of Childhood		46 MoReg 2132	47 MoReg 506	
5 CSR 25-300.100	Office of Childhood		46 MoReg 2132R	47 MoReg 506R	
5 CSR 25-300.120	Office of Childhood		46 MoReg 2132	47 MoReg 507	
5 CSR 25-400.010	Office of Childhood		46 MoReg 2133	47 MoReg 507	
5 CSR 25-400.015	Office of Childhood		46 MoReg 2134R	47 MoReg 507R	
5 CSR 25-400.025	Office of Childhood		46 MoReg 2134	47 MoReg 508	
5 CSR 25-400.045	Office of Childhood		46 MoReg 2135	47 MoReg 508	
5 CSR 25-400.055	Office of Childhood		46 MoReg 2136	47 MoReg 508	
5 CSR 25-400.105	Office of Childhood		46 MoReg 2136	47 MoReg 508	
5 CSR 25-400.115	Office of Childhood		46 MoReg 2137	47 MoReg 508	
5 CSR 25-400.125	Office of Childhood		46 MoReg 2137	47 MoReg 509	
5 CSR 25-400.145	Office of Childhood		46 MoReg 2138	47 MoReg 509	
5 CSR 25-400.155	Office of Childhood		46 MoReg 2138	47 MoReg 509	
5 CSR 25-400.210	Office of Childhood		46 MoReg 2139	47 MoReg 509	
5 CSR 25-400.220	Office of Childhood		46 MoReg 2139	47 MoReg 510	
5 CSR 25-500.010	Office of Childhood		46 MoReg 2140	47 MoReg 584	
5 CSR 25-500.022	Office of Childhood		46 MoReg 2141R	47 MoReg 584R	
5 CSR 25-500.032	Office of Childhood		46 MoReg 2141	47 MoReg 585	
5 CSR 25-500.042	Office of Childhood		46 MoReg 2142	47 MoReg 585	
5 CSR 25-500.052	Office of Childhood		46 MoReg 2143	47 MoReg 585	
5 CSR 25-500.102	Office of Childhood		46 MoReg 2143	47 MoReg 585	
5 CSR 25-500.122	Office of Childhood		46 MoReg 2144	47 MoReg 586	
5 CSR 25-500.152	Office of Childhood		46 MoReg 2145R	47 MoReg 586R	
5 CSR 25-500.162	Office of Childhood		46 MoReg 2145	47 MoReg 586	
5 CSR 25-500.222	Office of Childhood		46 MoReg 2146	47 MoReg 586	
5 CSR 25-500.230	Office of Childhood		46 MoReg 2147	47 MoReg 587	
5 CSR 25-600.010	Office of Childhood		46 MoReg 2147	47 MoReg 587	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 25-600.020	Office of Childhood		46 MoReg 2148	47 MoReg 587	
5 CSR 25-600.040	Office of Childhood		46 MoReg 2148	47 MoReg 587	
5 CSR 25-600.050	Office of Childhood		46 MoReg 2148	47 MoReg 588	
5 CSR 30-660.090	Division of Financial and Administrative Services	47 MoReg 779	47 MoReg 784		
DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT					
6 CSR 10-2.190	Commissioner of Higher Education	47 MoReg 473			
6 CSR 10-12.010	Commissioner of Higher Education		47 MoReg 623		
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12 CSR 10-8.120	Director of Revenue		47 MoReg 71R	47 MoReg 748R	
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12 CSR 10-8.170	Director of Revenue		47 MoReg 71R	47 MoReg 748R	
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13 CSR 70-3.200	MO HealthNet Division	46 MoReg 1715	46 MoReg 1774		
13 CSR 70-3.230	MO HealthNet Division		47 MoReg 22	47 MoReg 750	
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13 CSR 70-4.100	MO HealthNet Division		46 MoReg 1676 47 MoReg 238	47 MoReg 791	
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19 CSR 15-4.410	Division of Senior and Disability Services <i>formerly 19 CSR 15-7.040</i>		47 MoReg 356		
19 CSR 15-4.440	Division of Senior and Disability Services <i>formerly 19 CSR 15-6.025</i>		47 MoReg 355		
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19 CSR 15-7.040	Division of Senior and Disability Services <i>moved to 19 CSR 15-4.410</i>		47 MoReg 356		
19 CSR 15-7.050	Division of Senior and Disability Services <i>moved to 19 CSR 15-4.295</i>		47 MoReg 358		
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20 CSR 2010-4.020	Missouri State Board of Accountancy		47 MoReg 72	47 MoReg 750	
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20 CSR 2030-16.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 242	47 MoReg 795	
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20 CSR 2030-20.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 246	47 MoReg 795	
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20 CSR 2085-3.010	Board of Cosmetology and Barber Examiners		47 MoReg 630		
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20 CSR 2115-2.062	State Committee of Dietitians		47 MoReg 73R	47 MoReg 641R	
20 CSR 2145-1.040	Missouri Board of Geologist Registration		47 MoReg 784		
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20 CSR 2150-7.125	State Board of Registration for the Healing Arts		46 MoReg 2331	47 MoReg 642	
20 CSR 2150-7.130	State Board of Registration for the Healing Arts		46 MoReg 2331	47 MoReg 642	
20 CSR 2150-7.135	State Board of Registration for the Healing Arts	47 MoReg 745	46 MoReg 2332	47 MoReg 642	
20 CSR 2150-7.140	State Board of Registration for the Healing Arts		46 MoReg 2334	47 MoReg 643	
20 CSR 2150-7.300	State Board of Registration for the Healing Arts		46 MoReg 2335	47 MoReg 643	
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20 CSR 2165-2.035	Board of Examiners for Hearing Instrument Specialists		47 MoReg 73R	47 MoReg 643R	
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20 CSR 2200-2.010	State Board of Nursing		47 MoReg 417		
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20 CSR 2200-8.030	State Board of Nursing		47 MoReg 435		
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20 CSR 2200-8.040	State Board of Nursing		47 MoReg 436		
20 CSR 2200-8.060	State Board of Nursing		47 MoReg 436		
20 CSR 2200-8.070	State Board of Nursing		47 MoReg 437		
20 CSR 2200-8.080	State Board of Nursing		47 MoReg 438		
20 CSR 2200-8.085	State Board of Nursing		47 MoReg 438		
20 CSR 2200-8.100	State Board of Nursing		47 MoReg 438		
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20 CSR 2210-2.030	State Board of Optometry		47 MoReg 580		
20 CSR 2220-2.010	State Board of Pharmacy		47 MoReg 362		
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20 CSR 2230-2.030	State Board of Podiatric Medicine		47 MoReg 504		
20 CSR 2231-1.010	Division of Professional Registration		This Issue		
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20 CSR 2231-3.020	Division of Professional Registration		47 MoReg 74	47 MoReg 796	
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20 CSR 2263-2.030	State Committee for Social Workers		47 MoReg 375		
20 CSR 2263-2.050	State Committee for Social Workers		47 MoReg 375		
20 CSR 2270-2.072	Missouri Veterinary Medical Board		47 MoReg 74R	47 MoReg 643R	
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22 CSR 10-2.055	Health Care Plan	46 MoReg 2221	46 MoReg 2279	47 MoReg 512	
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22 CSR 10-3.090	Health Care Plan	46 MoReg 2235	46 MoReg 2292	47 MoReg 513	

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2 CSR 30-10.010	Inspection of Meat and Poultry47 MoReg 221	Jan. 26, 2022 July 24, 2022
Department of Elementary and Secondary Education			
Divisional of Financial and Administrative Services			
5 CSR 30-660.090	Charter School Local Education Agency (LEA) Attendance Hour Reporting . . . . .	.47 MoReg 779	May 3, 2022 Feb. 9, 2023
Department of Higher Education and Workforce Development			
Commissioner of Higher Education			
6 CSR 10-2.190	A+ Scholarship Program . . . . .	.47 MoReg 473	March 3, 2022 Aug. 29, 2022
Department of Revenue			
Director of Revenue			
12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	.46 MoReg 2111	Jan. 1, 2022 June 29, 2022
Department of Social Services			
Missouri Medicaid Audit and Compliance			
13 CSR 65-2.020	Provider Enrollment and Application47 MoReg 543	March 30, 2022 Sept. 26, 2022
Elected Officials			
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15 CSR 50-5.010	General Organization47 MoReg 731	April 25, 2022 July 30, 2022
15 CSR 50-5.020	Missouri Empowerment Scholarship Accounts Program . . . . .	.47 MoReg 731	April 25, 2022 July 30, 2022
15 CSR 50-5.030	Tax Credit Program . . . . .	.47 MoReg 735	April 25, 2022 July 30, 2022
15 CSR 50-5.040	Audits and Reporting Requirements . . . . .	.47 MoReg 738	April 25, 2022 July 30, 2022
15 CSR 50-5.050	Educational Assistance Organizations . . . . .	.47 MoReg 742	April 25, 2022 July 30, 2022
Department of Commerce and Insurance			
State Board of Registration for the Healing Arts			
20 CSR 2150-5.100	Collaborative Practice Arrangement with Nurses . . . . .	.47 MoReg 621	April 11, 2022 Oct. 7, 2022
20 CSR 2150-7.135	Physician Assistant Supervision Arrangement . . . . .	.47 MoReg 745	April 18, 2022 June 29, 2022
State Board of Nursing			
20 CSR 2200-4.200	Collaborative Practice47 MoReg 622	April 11, 2022 Oct. 7, 2022
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20 CSR 2220-2.200	Sterile Compounding47 MoReg 409	Feb. 24, 2022 Aug. 22, 2022
Missouri Consolidated Health Care Plan			
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22 CSR 10-2.053	Health Savings Account Plan Benefit Provisions and Covered Charges46 MoReg 2220	Jan. 1, 2022 June 29, 2022
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges . . . . .	.46 MoReg 2221	Jan. 1, 2022 June 29, 2022
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members . . . . .	.46 MoReg 2226	Jan. 1, 2022 June 29, 2022
22 CSR 10-2.090	Pharmacy Benefit Summary . . . . .	.46 MoReg 2227	Jan. 1, 2022 June 29, 2022
22 CSR 10-2.140	Strive for Wellness® Health Center Provisions, Charges, and Services . . . . .	.46 MoReg 2229	Jan. 1, 2022 June 29, 2022
22 CSR 10-3.055	Health Savings Account Plan Benefit Provisions and Covered Charges . . . . .	.46 MoReg 2230	Jan. 1, 2022 June 29, 2022
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges . . . . .	.46 MoReg 2230	Jan. 1, 2022 June 29, 2022
22 CSR 10-3.090	Pharmacy Benefit Summary46 MoReg 2235	Jan. 1, 2022 June 29, 2022

**Executive
Orders****Subject Matter****Filed Date****Publication****2022**

22-03	Terminates the State of Emergency declared in Executive Order 22-02.	February 7, 2022	47 MoReg 411
22-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems.	February 1, 2022	47 MoReg 304
22-01	Establishes and Designates the Missouri Early Childhood State Advisory Council.	January 7, 2022	47 MoReg 222

2021

21-13	Creates and establishes the Missouri Supply Chain Task Force.	November 22, 2021	47 MoReg 12
21-12	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government.	November 5, 2021	46 MoReg 2325
21-11	Orders state offices to be closed on Friday, November 26, 2021.	November 2, 2021	46 MoReg 2241
21-10	Orders steps to oppose federal COVID-19 vaccine mandates within all agencies, boards, commissions, and other entities within the executive branch of state government.	October 28, 2021	46 MoReg 2239
21-09	Terminates the state of emergency declared in Executive Order 20-02, declares a state of emergency, suspends certain regulations related to telemedicine and physical presence for executing documents, and allows state agencies to waive some regulatory requirements.	August 27, 2021	46 MoReg 1727
21-08	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	August 10, 2021	46 MoReg 1673
Proclamation	Convenes the First Extra Session of the First Regular Session of the One Hundred and First General Assembly for extending the Federal Reimbursement Allowances (FRA) and related allowances, taxes, and assessments necessary for funding MO HealthNet	June 22, 2021	46 MoReg 1447
21-07	Extends Executive Order 20-02, Executive Order 20-04, Executive Order 20-05, Executive Order 20-06, and Executive Order 20-14 until August 31, 2021	March 26, 2021	46 MoReg 750
21-06	Creates and establishes the Show Me Strong Recovery Task Force and rescinds Executive Order	March 22, 2021	46 MoReg 748
21-05	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 24, 2021	46 MoReg 605
21-04	Extends Executive Order 21-03 until February 28, 2021 and terminates Executive Order 20-17.	February 19, 2021	46 MoReg 603
21-03	Declares a State of Emergency and exempts hours of service requirements for vehicles transporting residential heating fuel until February 21, 2021	February 11, 2021	46 MoReg 495
21-02	Establishes the Office of Childhood within the Department of Elementary and Secondary Education	January 28, 2021	46 MoReg 394
21-01	Terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06	January 7, 2021	46 MoReg 314

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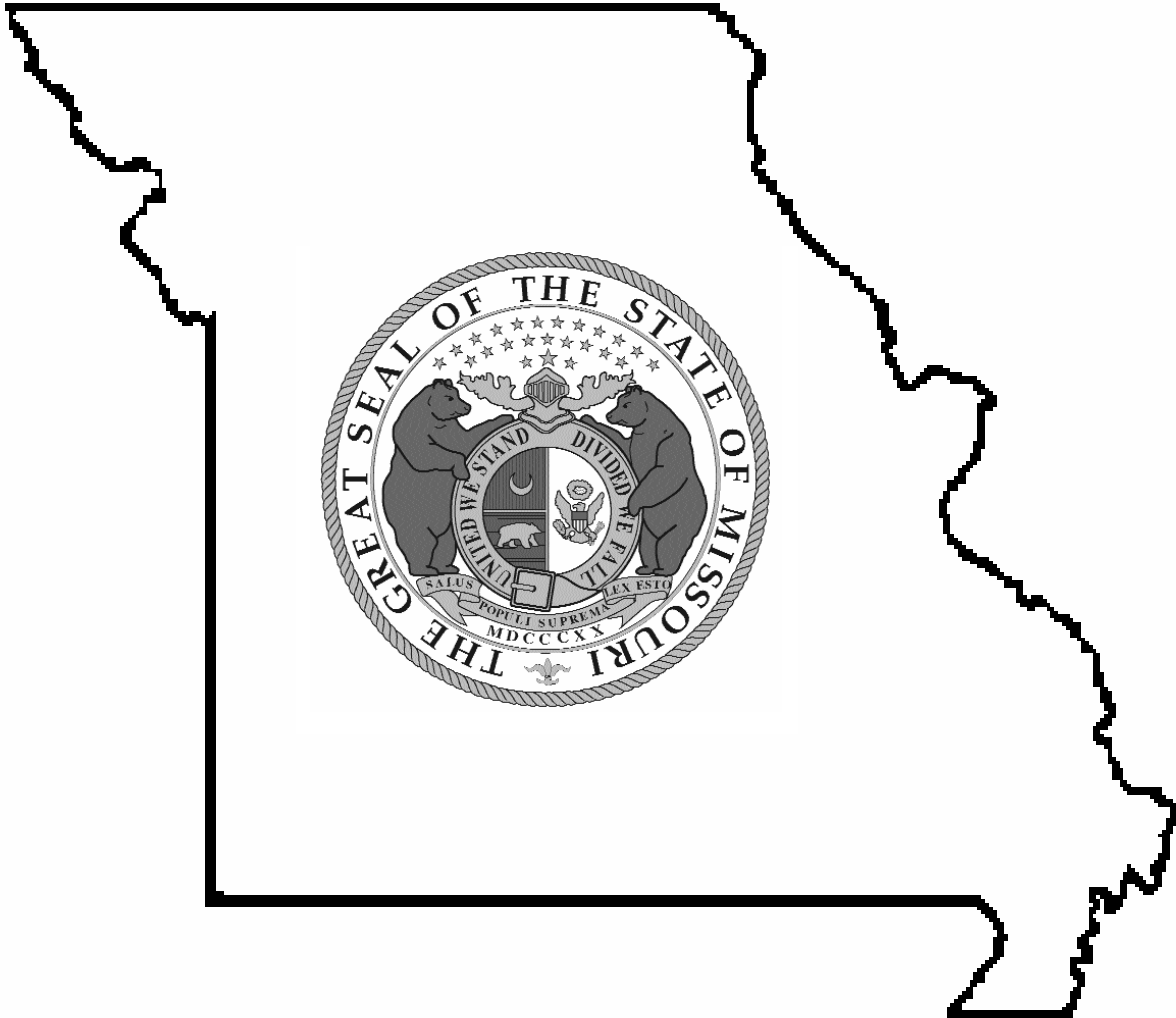
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MISSOURI STATE RULEMAKING MANUAL



JOHN R. ASHCROFT
SECRETARY OF STATE

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